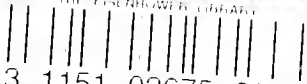
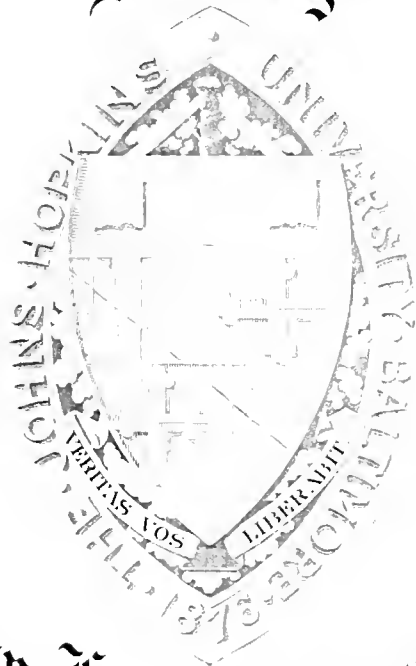


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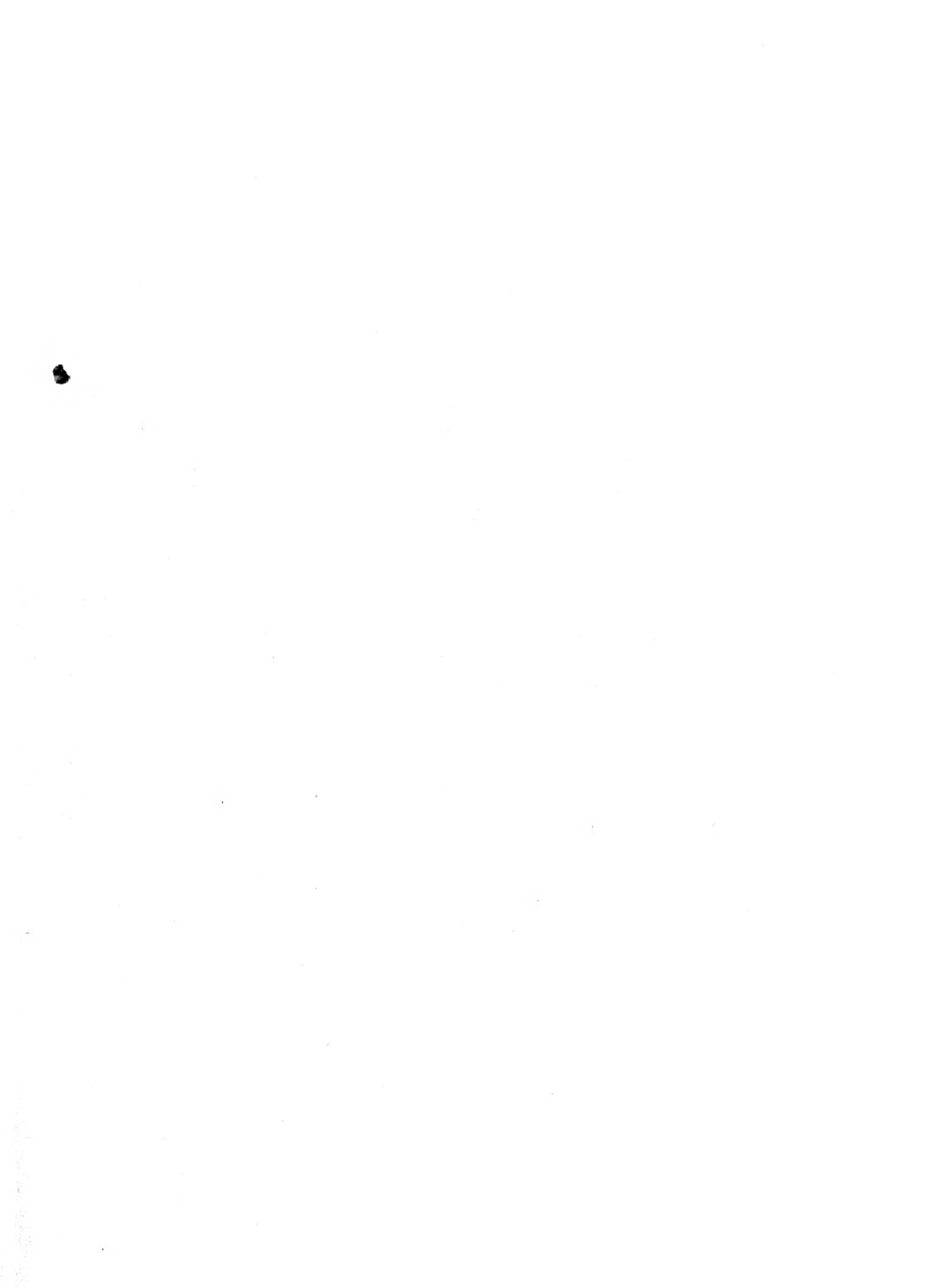


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Surptuary Legislation and Personal
Regulation in England

By

Frances Elizabeth Baldwin
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A Dissertation

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Introduction.

This study attempts to trace through a considerable period of English history the laws which regulated the intimate personal conduct of men in distinction from their general political rights and duties. Most of these regulations can be classified as sumptuary in the sense that they govern^{-ed} the amount and direction of individual expenditures and that by means of them the legislators of the past "sought to regulate the private life of a citizen in every respect : the fashion of his clothes, the number of courses at his meals, how many guests he might have at wedding, dinner or dance, how long he should be permitted to haunt the tavern and how much he should drink"¹.... Consideration has also been given, however, to other ordinances of a paternal character which from a modern point of view seem burdensome and unnecessary, So, too, the ordinary police regulations, without which no society can exist, are introduced from time to time for comparison in the ~~the~~^{setting} of their own day.

The subject throws much light upon the civilization of the times when these laws were in operation, and the treatment here adopted endeavors to exhibit them in the surroundings of contemporary social history. No attempt is made to sharpen legal definitions, for the Middle Ages took it for granted that every government had the right to check extravagance and restrain luxury for the public good (since luxury in individuals was presumed to lead to the corruption of the state and even by weakening it to endanger its national existence). The philosophical discussion of this matter which took place in later times probably hastened the disuse of this right. A consecutive historical treatment of English experience has hitherto been wanting and in partial fulfillment of that want these pages offer an

1. Preserved Smith, The Age of the Reformation, p. 482 ff.

account of sumptuary legislation in that country from its earliest appearance in the recorded statutes to the time of its decline.

In reading over the numerous laws of this kind which were passed in England, one is struck by the fact that at least three ^{(and possibly four) different} kinds of motives seem to have led to their enactment: (1) the desire to preserve class distinctions, so that any stranger could tell by merely looking at a man's dress to what rank in society he belonged; (2) the desire to check practices which were regarded as deleterious in their effects and the feeling that luxury and extravagance were in themselves wicked and harmful to the morals of the people; (3) economic reasons: (a) the endeavor to encourage home industries and to discourage the buying of foreign goods, and (b) the desire on the part of the sovereign to have his people save up their money, so that they might be able to help him out in time of need. Sheer conservatism and dislike of new fashions or customs might be mentioned as a fourth ^{factor} ~~motives~~ which led to the passage of the English sumptuary laws.

In treating the subject dealt with by this paper, it has been divided for convenience into chronological periods corresponding to the reigns of groups of kings. Changes in law do not always depend on the personality of the rulers, but in general the periods have each a characteristic civilisation into which this legislation enters. In contrast to the mass of sumptuary laws found in central Europe, the English ordinances were national rather than local in character and dealt with fewer subjects than did those of other countries. In fact, the English laws were almost entirely concerned with the regulation of food and clothing, especially the latter. The towns of that country ^{, too,} differed from the towns of the continent, in that they seem rarely to have exercised a paternal oversight of expenditure and fashions. The cities of the Rhine country assumed all the functions of government, and ruled their few citizens in a more strict and

intimate fashion than the king of England was able to do in his wider dominions. Their records contain materials which are not found in English towns. This fact places limits to the scope of this study, but it is hoped that the development of sumptuary legislation within the given period has been sufficiently set forth, together with the documentary evidence.

Chapter I

The Earliest Sumptuary Laws

The earliest English sumptuary laws of which any record has been found were enacted by Parliament during the reign of Edward III, who came to the throne in the year 1327. Previous to this time, ordinances of a sumptuary character may perhaps have existed, but, even if ^{such was} ~~that was~~ the case, none of these appear in the published documents. Any attempt to prove the existence of such ordinances by analogy with later times, when royal proclamations regulating dress were frequently issued, would be unwarranted. Therefore, after a preliminary survey of some early laws which, though not strictly sumptuary in character, may be classed under the head of attempts at personal regulation, this study will begin with the period of Edward III.

Like the people of other nations living in the same period, the English of the Middle Ages were accustomed to the public regulation of many matters pertaining to private, everyday life. Statutes dealing with the subject of food and drink, or "victuals", were common enough. Tabulated tariffs and official regulations of everything from beer to labor filled the old English law books.¹ The aim of such legislation was, however, not to put an end to extravagance in one form or another, but to protect the consumer against the possible greed and dishonesty of the producer. First the guilds and then the towns issued regulations for the conduct of markets and the fixing of prices, but with these efforts this study is not concerned, except as illustrations of the habit of thought universally prevalent during the mediaeval period. Eventually the central government, ^{also,} turned its attention in this direction and assumed many duties formerly belonging to cities, among others that of regulating the sale of various articles.

1. Edwin R. A. Seligman, "Two Chapters on the Mediaeval Guilds of England", in the Publications of the American Economic Association, vol. ii, p. 454.

¶ A brief discussion of price-fixing in mediaeval England will serve to indicate the spirit of the age. In 1221 (to go back no further) the Select Pleas of the Crown² for Worcestershire record a command issued to the keepers of pleas in the town of Worcester to seize all wine sold at a price of more than "8 d. for the sextary³, whether of white wine or of red",⁴ to sell the wine and to hold the money for the king's use. In another passage from the same collection of documents, a complaint is made that those who make bread and beer will not suffer themselves to be brought to justice when they offend against the laws regulating the prices of their products. It is therefore ordered that "as regards these matters they do what is due by law."⁵

In the fifty-first year of the reign of Henry III (1266-67) a statute was enacted regulating the selling prices of both bread and ale, or rather stating how much of each should be sold for a given price under given conditions. Thus, in this "assize⁶ panis et cervisiae", as the statute was called, it is laid down that "when a quarter of wheat is sold for 12 d., then wastel bread⁷ of a farthing shall weigh 6 l. and 16 s. But bread

2. Pleas of the Crown were those pleas or actions at law over which the crown claimed exclusive jurisdiction as affecting the king's peace. The term was later applied to all criminal actions or proceedings.

3. "Sextary" comes from the Latin word "sextarius", meaning the sixth part of a measure. A sextary was probably equivalent to about 1.14 pints.

4. Selden Society, Select Pleas of the Crown, vol. I, pp. 97, 98.

5. Ibid. The jurors also complained that the rules laid down by law as to the breadth of cloth were not being strictly observed. The decision as to what should be done about this matter was left in this case to the king's council. Since Parliament was not yet in existence, the laws referred to in the passages quoted must have been royal orders.

6. "Assize" means literally a legislative sitting or assembly, but the term is also used, as in this case, to mean an instruction, decree or enactment made or issued at such a sitting.

7. Bread made of very fine flour.

cocket⁸ of a farthing of the same corn...shall weigh more than wastel by 2 s."⁹ The statute goes on to fix the weights of several different kinds of bread. As the price of wheat rises, it is provided that the amount of each of these sorts of bread which shall be sold for a farthing shall decrease. For example, it is ordered that "when a quarter of wheat is sold for 18 d., then wastel bread of a farthing, white and well-baked, shall weigh 4 l. 10 s. 8 d.",¹⁰ and that when wheat reaches the outrageous price of 12 s. a quarter, a farthing loaf of bread shall only weigh 11 s. 4 d.

Similar provisions are set forth with regard to ale and beer. "When a quarter of wheat is sold for 3 s. or 3 s. 4 d.", so we read, "and a quarter of barley for 20 d. or 2 s., and a quarter of oats for 16 d., then brewers in cities ought and may well afford to sell two gallons of beer or ale for a penny and out of cities to sell three or four gallons for a penny. And when in a town three gallons is sold for a penny, out of town they ought and may sell four. And this assize ought to be holden throughout all England."¹¹

In order to supplement this piece of legislation and to provide penalties for its infraction (which had been omitted from the earlier act) another law, known as the Statute of the Pillory and Tumbrel, was passed

8. A sort of leavened bread, slightly inferior in quality to the wastell or finest bread.

9. Statutes at Large, vol. 1, p. 34 ff.- 51 Henry III, st. 1.

10. Ibid.

11. Ibid. The last sections of the act are largely explanatory of the first part. The statute again states that the assize of bread is to "be holden according to the price of wheat, that is to say as well wastel, as other bread of the better, second or third sort, shall be weighed... by the middle price of wheat; and the assize or weight of bread shall not be changed but by six pence increasing or decreasing in the sale of a quarter." The latter portion of the act also explains that an English penny is to be considered as equalling in weight "32 wheat corns in the midst of the ear", and that 20 d. equal one ounce in weight, etc. This makes it clear why the weights of the loaves of bread are given in pounds, shillings and pence. (See above pp. 2 and 3)

during the same year. This second law provided that "if a baker or a brewer be convict, because he hath not observed the assize of bread and ale, the first, second, and third time, he shall be amerced,¹² according to his offence, if it be not overgrievous; but if the offence be grievous and often, and will not be corrected, then he shall suffer punishment of the body, that is to wit, a baker to the pillory and a brewer to the tumbrel¹³, or some other correction".¹⁴

This second law also stipulated that in every town six "lawful" men should be "sworn truly" to gather together all the weights and measures in that town - bushels, half and quarter bushels, gallons, quarts, pounds, half-pounds, etc. - and to see that on every weight and measure the name of the owner was clearly and distinctly written. After this had been done, it was commanded that the bailiff of the town should "bring in all the bakers and brewers with their measures"¹⁵ and that inquiries should be made as to the price at which a quarter of the best wheat had been sold on the last market day, how much a wastel loaf ought to weigh in accordance with the price of wheat as thus ascertained, whether any bakers had sold loaves that were underweight, etc. Investigations were also to be made to discover whether the assize of wine and ale was being kept, whether false weights or measures were being used, whether butchers were selling "contagious flesh or that died of the murren", and whether cooks were in the habit of seething "flesh or fish with bread or water or any otherwise, that is not wholesome for man's

12. That is, fined. In quoting from this act and the others which I shall have occasion to refer to in the course of this essay, I have not attempted to follow with exactness the vagaries of the ancient spelling and punctuation, but I have copied the wording of the original faithfully.

13. A tumbrel was a wheeled cucking-stool, or kind of chair, used for punishing scolds, etc. by fastening them in it, usually in front of their doors, to be hooted at and pelted by the mob, but sometimes to be taken to the water and ducked. It has been suggested that the reason why different forms of punishment were devised for the bakers and brewers was because the majority of the bakers were men, while most of the brewers were women.

14. Stat. L., vol. i, p. 47 ff. - 51 Henry III, st. 6.

15. Ibid.

body, or after that they have kept it so long that it loseth its natural wholesomeness...then seethe it again and sell it."¹⁶ A sliding scale of prices for ale was again fixed in accordance with the variations in the price of barley, and it was provided that all offences against the act should be strictly punished.

Just as the prices of ale and bread were regulated by the statutes to which ~~we~~^{we} have already referred, so the price of wine was fixed by an ordinance of uncertain date, which may have been issued either in the reign of Henry III or in those of Edward I or II. This ordinance declared that in the future a sextertium¹⁷ of wine should be sold for 12 d., and that if taverners failed to observe the assize of wine as thus fixed, their taverns should be closed up. It was also provided that the assize of ale should be assessed, proclaimed and kept in accordance with the price of corn of which malt was made. If a brewer should break this assize, he was to be fined the first three times that he committed such an offence, but the fourth time he was to be put into the pillory.¹⁸

The price and sale of wine were again regulated by the Statute of Gloucester,¹⁹ passed in the reign of Edward I, and by a law enacted during the reign of Edward III.²⁰ The last mentioned law directed that wine should be sold at a reasonable price, should be assayed twice a year by the town officials, and that "corrupt" wine should be poured out and the vessels

16. Ibid. The entire act is much too long to be quoted here. I have mentioned only those provisions which seem to have some connection with my subject. Blackstone, in commenting upon this particular passage in the act quoted, says, "A species of offense against public health is the selling of unwholesome provisions. 51 Henry III, st. 6, and the ordinance for bakers, c. 7, prohibit the sale of corrupted wine, unwholesome flesh, etc. under pain of amercement for the first offense, the pillory for the second, fire and imprisonment for the third, and abjuration of the town for the fourth". (Sir William Blackstone, Commentaries on the laws of England, vol. ii, bk. 4, p. 121)

17. A measure whose exact capacity seems to be doubtful; possibly the same as the sextary. *See above, p. 2, note 3.*

18. Stat. L., vol. i, p. 390 ff. An ordinance for bakers, brewers, and for other victuallers, incant. temp.

which had contained it broken. The Statute of Gloucester ordered the mayor and bailiffs of London to "inquire of wines sold against the assize,"²¹ and a subsequent act provided that no one in London should keep a tavern open to sell wine, etc., after curfew.²² The latter was obviously a police measure designed to keep order, rather than an attempt to regulate the price of wine. Somewhat similar to this curfew law was a statute which directed coroners and other officers to inquire "of those who live riotously and continually haunting taverns".²³ The intention here was evidently to put a stop to drunkenness and disorderly behavior, if possible.²⁴

The price-fixing power, ^{of the central government,} which had manifested itself in the statutes already discussed, was again made use of in March, 1315, when Edward II issued an ordinance or proclamation, in which he stated that because of the "great and intolerable dearth of oxen, cows, sheep, hogs, geese, hens, capons, chickens, pigeons and eggs, to the no small damage and grievance"²⁵

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19. Ibid. p. 128 - 6 Edward I, st. 1, c. 15.
 20. Ibid. p. 436 ff. - 4 Edward III, c. 12.
 21. Ibid. p. 128
 22. Ibid. p. 244 ff. - 13 Edward I, st. 5, Statuta Civ. Lond.
 23. Ibid. p. 110 ff. - Stat. de Offic. Coron., 4 Edward I, st. 2. See also Stat. Frankpl., 18 Edward II, st. 1, paragraph 28 (Ibid. vol. i, p. 387 ff.)
 24. Attempts to repress drunkenness in England date back at least to the time of King Edgar the Peaceable, who, according to Baker's chronicle, in order to put a stop to drunkenness, which the Danes had brought in, "made a law ordaining a size, by certain pins in the pot, with penalty to any that should presume to drink deeper than the mark" (Richard Baker, A Chronicle of the Kings of England From the Time of the Romans' Government Unto the Death of King James, p. 12).
 25. Walter Scott (rev.) A Collection of Scarce and Valuable Tracts Selected from...Public as well as Private Libraries, particularly that of Lord Somers, vol. i, p. 6. See also Thomas Rymer, Foedera, Conventiones, Literae et Cujuscumque Generis Acta Publica inter Reges Angliae, vol. ii, p. 263.

of the kingdom, he felt it necessary to fix the maximum prices at which these farm products could be sold for food. He, therefore, directed that a fat, live ox (not fed with corn) should be sold for 16 s.; if corn-fed, the same animal should be sold for not more than 24 s. A live cow ought to bring 12 s., and a fat hog, two years old, 40 d., etc. If anyone refused to sell the animals mentioned at the prices listed, it was ordered that the animals should be forfeited to the king. This proclamation went further than the earlier laws had done and fixed the prices of articles which, so far as we know, had gone unregulated before, but it must be pointed out that it applied only to London.

In addition to the statutes and proclamations dealing with this subject, regulations as to the prices of articles of food and drink, etc. were recognized as forming a part of the common law of England, at a comparatively early date. Britton, a treatise on the common law written probably in the early fourteenth century (or perhaps during the reign of Edward I) states that the common law requires inquiry to be made "of wines sold, whereof the tuns did not contain 240 gallons, and who those are who thus sold them by wholesale... In like manner let inquiry be made", goes on the writer, "concerning all sorts of flesh and fish, and of every kind of spice, wax, silk, canvas, [and] cloth... Afterwards let it be inquired concerning taverners who... have sold wine contrary to the legal assize... and if they are living, let them be punished by pillory and fined in double the value of their gain."²⁶

26. Francis M. Nichols (trans.) Britton, pp. 80, 158. "Let it also be inquired", says Britton, "of cloth made out of the realm, brought into the country and sold there, not being of the right assize according to the purport of the Great Charter, what quantity of such cloth has been sold since the last eyre" (i.e. since the judges last went on circuit)"and by whom, and what was the value of the cloth so sold by each merchant separately, and who was appointed by us to seize such cloth into our hand" (i.e. the hands of the king) (Ibid., pp. 78-90). The assize of cloth, mentioned in

That attempts were made to inflict such punishments and to enforce the early laws which we have been discussing is shown by the fact that cases arising under their provisions came up before the courts for decision. In 1287, a man named Golding, living in Ipswich, and one Richard Long of Lynn were tried by the fair court ²⁷ of St. Ives and convicted of having used false measures and the former was also found guilty of having broken the assize and having sold wine for 16 d. ²⁸ In 1300, this same court exacted a fine of 6 d. from "Roger of Moulton, baker, for a deficiency of 5 s. in [the weight of] a half-penny loaf of bread", and another fine of 40 d. "from Margaret of Ridon, baxter, for a wastel [loaf of bread]... deficient in weight."²⁹

Among the records of the Eyre ³⁰ of Kent ~~the records~~ ^{may be found} several references to the enforcement of the assizes of bread and ale, wine, etc. In one passage, it is stated that the knights who had been appointed assessors of victuals and corn were called before the court and ordered to perform the duties assigned to them by law. They accordingly assessed a quarter of wheat at 6 s., oats at 3 s., a whole beef at 13 s. 4 d., a whole sheep at 18 d., and so on through all the varieties of eatables and drinkables then known. When

the passage quoted, was similar to the assizes of bread and ale, wine, etc., although it fixed the length and breadth, rather than the price of cloth. See also assize of wines, *ibid.*, p. 158. For enforcement of the assize of cloth, see Rotuli Parliamentorum, vol. ii, p. 28. In connection with the whole subject of price regulation in England, see Edwin F. A. Seligman, "Two Chapters on the Mediaeval Guilds of England", in the Publications of the American Economic Association, vol. ii, pp. 389-493. Seligman says that the "laws of the market were not left to the free arbitrament of the contracting parties. Under the supposition that the interests of the whole community would be best subserved by avoiding the dangers of unrestricted competition, the government interfered to ordain periodical enactments of customary or reasonable prices - reasonable, that is to say, for both the producer and the consumer" (*Ibid.* p. 454 ff.; see note, p. 455). In another passage, he ^{declares} ~~reports~~ that the prevention of undue competition was "in pursuance of the general spirit of mediaeval legislation" (*Ibid.* p. 480).

27. A court which, originally at least, was held in connection with a fair. All the laws fixing prices were included within the law-merchant, which in England was enforced by the royal courts, especially the pie-powder courts, and not by special courts, as on the continent.

28. Selden Society, Select Cases on the Law Merchant, vol. i, p. 19. In order to prove to buyers that measures were not false, they were generally sealed with the seal of the town where the seller lived, ~~to~~ or otherwise marked

any of the articles mentioned were not of the best quality, the assessors directed that they should be sold for a price less than that which they themselves had fixed.³¹

This attempt to enforce the laws regulating prices occurred in 1313-14, and in the same year a case which involved the construction of these laws came up before the courts. This was the case of Claxton v. Everingham, in which William of Claxton brought a writ of replevin³² against Adam of Everingham and complained that Adam had "amerced William wrongfully of the sum of 12 d., because William had brewed beer and sold it contrary to the assize".³³ William apparently did not deny that he had broken the assize. The case really hinged upon the question whether Adam was legally the lord of the manor in which William lived and whether he, therefore, had the right to amerce William or not.

Another suit, somewhat similar to the one just cited, was the case of The King v. Inge and Carrol. Inge and Carrol had been attempting to enforce the assize of bread and beer (or ale) in their manor and were summoned before the court by a writ of quo warranto³⁴ to show on what ^{ground} they based their claim "to have correction of the breach of the assize of bread

29. Ibid., pp. 75, 83.

30. For the definition of this word, see above p. 7, n. 20.

31. Selden Society, the Eyre of Kent, vol. i, p. 51. See also pp. 8, 10, 15, 25, 49, and 55 for references to the enforcement of price-fixing regulations.

32. At common law, replevin was an action to recover the possession of specific chattels, together with damages for their unlawful detention, whereby the chattel was, at the commencement of the action, taken into the possession of an officer and delivered over to the plaintiff, upon security being given to make out the justice of his claim or return the property to the defendant.

33. Selden Society, Year Books Series, vol. XV, pp. 118, 119.

34. Quo warranto is a legal proceeding to determine the right to an office or franchise and to oust the defendant therefrom if his title is found to be fatally defective.

and beer"³⁵ Whether the defendants were able to prove their claim to this right is not stated. These two cases are of interest because, although the court, in deciding them, was not directly engaged in enforcing the regulations as to prices, both of the suits arose out of attempts to carry out the laws dealing with this subject.

Examples of this sort might be multiplied, but the few cases cited will suffice to show that the habit of regulation had been for a long time in operation and that questions of the kind discussed above were dealt with by the King's law and by the King's courts. That the law might go still closer to the private life of the subject and regulate even his dress and the sort of food that he might eat is therefore *not surprising*.

The primary cause that brought about the passage of sumptuary laws during the reign of Edward III was the rapidly-increasing luxury and extravagance of the period. We are not apt to think of the people of the early fourteenth century as being luxurious and probably we should not consider them extravagant if their way of living were compared with that of modern times, but to their contemporaries the life of many fourteenth century Englishmen seemed to be both luxurious and extravagant. During the reign of Edward's predecessor, William of Malmesbury had complained that the squire endeavored to outshine the knight in the richness of his apparel, the knight the baron, the baron the earl, and the earl the king himself.³⁶ This "vanity", as Strutt calls it, continued to increase and during the next reign became general among people of every class.

35. Selden Society, *The Eyre of Kent*, vol. iii, pp. 168, 169. The two cases cited above show that the enforcement of the assize of bread and ale, etc. was largely left to the lords of the manors and to local officials, instead of being put into the hands of royal officers. In fact, such local enforcement was provided for in a good many of the laws. The case of King v. Inge and Carrol was tried in 1313-14.

36. William of Malmesbury, *Life of Edward II*, p. 153; quoted by Joseph Strutt, *A Complete View of the Dress and Habits of the People of England*, vol. ii, p. 134. It is said that the extravagance of the English with regard to *at this period*

The development of luxury in England, from the time of the Norman conquest on, was, according to Baudrillart, very similar to that which took place in France. This analogy was especially striking during the early period of English history, because at that time the nations seemed very much isolated from one another, owing to the lack of means of swift communication, etc. However, because of the pretensions of the kings of England to the throne of France and for other reasons, the courts of France and England were in perpetual communication, and styles were constantly imported into England from the continent. As the two courts set the fashions for France and England respectively, so in general the mode of living was uniform in both kingdoms, though there were, of course, some national diversities. In the 14th and 15th centuries, the two nations are said to have imitated one another very closely.³⁷

The aristocratic luxury which was thus introduced into England from France was increased in the time of Edward III by the growth of English manufactures. At the beginning of Edward's reign, the making of "broad clothes" came to great perfection. Thus began the manufacture, says Coke, of "the worthiest and richest commodity of this kingdome..."³⁸ The progress made at this time in the arts of goldsmithing and jewelry-making was also remarkable.³⁹

In addition to the French influence and the increase of material prosperity in England, typified by the growth of manufactures, the development of extravagance and luxury during the fourteenth century was largely,

dress ~~at this period~~ caused the Scots to compose the following four lines:

"Long burds hertiless,	Gay cotes graceless
Peyned whoods witless,	Maketh England thriftless." (Ibid.)

37. H. Baudrillart, *Histoire du Luxe*, vol. iii, p. 187.

38. Sir Edward Coke, *The Institutes of the Laws of England*, part 2, p. 41.

39. Baudrillart, vol. iii, p. 187.

if not primarily, due to England's successes in foreign wars. "Towards the middle of the century", says Strutt, "the kingdom was blessed with tranquillity and much plenty, in consequence of her many victories",⁴⁰ particularly those won in the war with France. Great quantities of garments lined with fur, of fine linen, jewels, gold, silver plate and rich furniture, the spoils of foreign cities, were brought into England. There was hardly a gentlewoman in the land who hadn't in her house some such spoils from Calais, Flanders, and other French cities.⁴¹ The English at Poitiers were said to have been so laden down with valuable booty that they despised armor, tents and similar military equipment, and, at the taking of Harflour, even the camp-followers placed no value on gowns trimmed with fur. Those Englishmen who had gone to Alexandria brought home with them cloth of gold, velvets and precious stones.⁴²

As a result of this flood of costly articles, "the ladies of this country became haughty and vain in their attire, and were as much elated by the acquisition of so much finery as the ladies of France were dejected by the loss of it."⁴³ Nor was this "haughtiness" of attire confined to the ladies. The knights too, endeavored to outstrip each other in the brilliancy of their appearance; and the lower classes followed the example of the nobility in their manner of living, as well as in dress,⁴⁴ thus transgressing one of the fundamental, though unwritten, rules of mediaeval society,

40. Strutt, *Dress and Habits*, vol. ii, p. 134.

41. Society of Antiquaries of London, *Archaeologia*, vol. XX, p. 101.

42. *Ibid.*

43. Thomas Walsingham, *Historia Anglicana*, p. 168; quoted in Strutt, *Dress and Habits*, vol. ii, p. 134.

44. This general extravagance was encouraged by the example of the king and of his court. In a description of the character of Edward III, we find it stated that he was "large in gifts, excessive in expenses" (*Harleian Ms.* 2261, fol. 400 a). It is said that on the occasion of one of his visits to the continent, he had to mortgage to English merchants his jewels and even his crown, in order to pay for his clothing, retinue, etc. (*Baudrillart*, vol. iii, p. 188, 189).

namely, that every man should "keep his place".

Mediaeval society has been defined as "a democracy founded upon the principle of aristocracy".⁴⁵ Each man's place was appointed to him in a common scheme; he must, in general, be content to live in that state of life unto which it had pleased God to call him at his birth. When the people of the middle ages rebelled against authority, it was against the misuse of these fixed conditions, not ~~in~~^{with} any hope of changing the conditions. Since each man's place in life was thus fixed by social custom, it was heresy for him to attempt to rise above his class either in his manner of living or in his dress. It was, therefore, inevitable that those in authority should consider it necessary to take some steps to curb the extravagance which prevailed in the reign of Edward III.⁴⁶

The central government of England first, so far as we know, manifested its intention of dealing with the question of extravagance by the passage of an act regulating the number of courses that the English people might have for dinner. This act was entitled "Statutum de Cibariis Utendis" and was passed on October 15, 1336,⁴⁷ in the tenth year of Edward's

45. J. W. Jeudwine, Tort, Crime and Police in Mediaeval Britain, pp. 15-16. The same writer makes an interesting statement with regard to mediaeval law. He says that, in the Middle Ages, a distinction was always made between criminal and police law, the latter dealing with those matters which rest on occasional or immediate necessity, and the former comprising those primary rules which commend themselves as essential to all civilized mankind. Under this classification, sumptuary laws would seem to fall under the head of police law, though they may have been considered essential by the mediaeval mind.

46. Cunningham says that even before the flood of spoils from France had begun to pour into England, there had been a great increase in extravagance in the latter country, as was shown by the accounts of tournaments. (W. Cunningham, The Growth of English Industry and Commerce, vol. i, p. 309)

47. William Longman, The History of the Life and Times of Edward III, vol. i, pp. 83-84. There seems to be some question as to just where the statute was passed. The heading of the act, as given in the Statutes at Large, states that it was "editum apud Nottingham", but Longman says that it was passed at Auckland in Durham. He was probably confused by the fact that the king's letter to the sheriff of York, ordering the enforcement of the act, was dated from Auckland. The act itself was apparently passed at Nottingham.

reign. Before discussing this statute, however, it seems advisable to sketch the general social conditions of the time, in order that the reader may understand the circumstances under which the sumptuary laws of Edward III were enacted.

As far as religion was concerned, the social decline of the church, from the death of Edward II up to 1348, was undeniable. This was shown:

- (1) by its relaxing hold upon politics and national life. The higher clergy became more pliant as they felt their growing dependence upon the crown, while the lower, with the exception perhaps of the parish priests, were fast losing all traces of the spirit of the last revival of religion. Not a few signs of an anti-clerical ~~spirit~~ ^{engendered by} ^{feeling} were to be found among both the gentry and commons in the early fourteenth century. These ~~were~~ ^{marked} the beginnings of a revolt not simply against Papal interference or monastic power, but also against clerical influence in politics and society.
- (2) In the deadness of its monastic orders (there is not one distinguished abbot in this time).
- (3) In the beginning of avowed dissent from its creed and system and of over-luxuriance in its architecture.
- (4) In the decline of its missionary and crusading spirit, as evidenced by the new plan of "vicarious" pilgrimage.
- (5) In the growth of superstitious abuses; and (6) in the severance of the clergy from the new spirit in science and letters and faith, despite the fact that Oxford and Cambridge, the great training schools for clerks, were then taking more organized shape in the new college foundations.

In the realm of art, this was the period of the "Decorated", or highly-cultivated variety, of the Early English style of Pointed Gothic architecture. For domestic use, the moated grange and the castellated manor-house were fast superseding the private castle which was becoming more and more used as a great military and governmental fortress, instead of a baronial residence. There can be no doubt that considerable skill in

the plastic art had by this time been acquired in England. What may, perhaps, best be termed sepulchral sculpture attained its zenith during this period. As to the progress of painting, however, we are almost totally in the dark. The special feature of this epoch is the growth of interest in the natural sciences and in the pseudo-sciences, such as Astrology and Alchemy. In the field of literature, we have the religious epic, which had undergone great development in the second half of the thirteenth century, didactic poetry, chronicles, sermons, tracts and dramas, which like the rest of the literature of the day were mainly religious.

In agriculture, the old feudal system under which rents were paid in kind or in services was gradually being commuted into one under which both rents and wages were paid in money. As the result of the Black Death, in which so many laborers died, a new system of farming had to be adopted, known as the stock and land lease. Trade and industry, too, were advancing, owing to the fact that the central government had recently taken their regulation into its own hands, which meant that trade was no longer to be regulated in the sole interests of the great landlords, but in those of the subjects at large. The encouragement given to manufactures by the diplomatic and legislative activity of the period and the growth of craft guilds in the cities and towns resulted in the progress of the artisan class, which in turn became one of the chief causes of the national strength and prosperity. There can be little doubt that this progress was largely due to the protection of the Crown and the enlightened economic legislation of Parliament, some examples of which may be found in certain sections of the sumptuary laws of the period.⁴⁸

At the time of the passage of these laws, John Stratford, who had become lord chancellor when the young king at the age of eighteen had

48. H. D. Traill (ed.) Social England, vol. ii, p. 18 ff.

wrested the royal power from his mother and her lover, Mortimer, still held that position. He was the guiding spirit of the administration. In 1333, on Meopham's death, he was made Archbishop of Canterbury, but he continued to take a leading part in politics. His brother, Robert, was his chief helper. These two men and their followers formed what was known as the Lancastrian party. The Stratfords were capable, but not brilliant, politicians. A sort of balance of power seems to have been maintained between their party and the old middle party of Pembroke and Badlesmere, with which Bartholomew Burghersh, Bishop of Lincoln, was connected. The strife of parties which had been so bitter a few years previously was now so far hushed that Burghersh, who had been imprisoned in the Tower by Edward II, was able to return to office; and the worst disorders which had existed in the period of anarchy which marked the end of the reign of the last-named king were put down.⁴⁹

Such were the men in power in 1336, when the "Statutum de Cibariis Utendis" became a law. Whether or not the king and his ministers had a hand in the enactment of this law, or were responsible for it, there is no evidence to show. We know, however, that the passage of a good many acts was suggested to Parliament by the executive department of the government, and even that some of the petitions purporting to have originated in the House of Commons, asking for the enactment of some special statute, really originated with the royal ministers. This may, perhaps, have been the case in 1336.

The act which became a law in that year was evidently passed with

49. William Hunt and Feginald Poole (eds.) Political History of England, vol. iii, p. 310 ff. In early life Edward III won the love of his subjects. He was possessed, perhaps, of no exceptional measure of intellectual capacity and not even endowed to any large extent with firmness of character, but he won a great place in history by his extraordinary vigor and activity. To his contemporaries, he seemed "a man of great goodness, excelled all his predecessors by virtue and grace,

the primary intention of checking idle extravagance⁵⁰ or, as Blackstone puts it, "extravagant expenses in... diet"⁵¹, and of promoting thrift. In the preamble to the act, it is stated that the use of "outrageous and too many kinds"⁵² of costly viands, of which the people of England have previous to this time consumed more than any other nation, has caused much mischief in that kingdom. The rich have been "much inconvenienced"⁵³ by such extravagance and the lesser folk who have attempted to imitate the rich in such matters have been greatly impoverished,⁵⁴ while other equally deplorable evils have attacked their souls as well as their bodies. The statute goes on to declare that these facts were made known to the king in his great council at Nottingham, where he was petitioned by Parliament to provide a fitting remedy for the situation. He, therefore, desiring the common welfare, with the assent of the lords, commons, etc.

"hath ordained and established that no man, of what state or condition

a bold man, fortunate in battle", etc. (Harleian Ms. 2261, fol. 400 a). However, his shallow opportunism led him to abandon every royal right that stood in the way of his receiving the full support of Parliament and kept him, in general, in touch with the Estates. By wanton breaches of good faith, he often tried to win back what he had conceded, in a vain effort to save his dignity.

50. That this regulation of diet was necessary may be proved by reference to the bills of fare for great feasts held in mediaeval times (and especially in the latter part of the period) which show that both "expence and gluttony were immoderate". (Daines Barrington, Observations on the More Ancient Statutes from Magna Charta to 21 James I, pp. 240-241). The same author also says that the act regulating food was probably, like most other sumptuary regulations, never strictly enforced. (Ibid.)

51. Blackstone, vol. ii, book. 4, p. 129

52. Stat. L., vol. i, p. 466-10 Edward III, st. 3. "Outraicuses et trop des maneres des coustumes viendes", to quote the exact words of the statute.

53. Ibid. "Moult grevez".

54. So greatly impoverished were they that "ils nont pour daider as eux mesmes ne a lour liege Seigneur en temps du besoigne siccome ils deivent" (Ibid.) This sentence indicates that there was a selfish motive back of the king's desire to check extravagance and promote thrift. He wished his people to save their money, so that they might have more to contribute towards his expenses "in time of need". Edward was apparently a believer in the old maxim: "a rich people (that is, a thrifty people), a rich kingdom; a rich kingdom, a rich king".

soever he be, shall serve" [or cause himself to be served with] "in his house or anywhere else, at dinner-meal⁵⁵, or supper, or at any other time, more than two courses, and each mess of two sorts of victuals at the utmost, be it of flesh or fish, with the common sorts of pottages without sauce or any other sort of victuals. And if any man choose to have sauce for his mess he may have it, provided it be not made at great cost: and if flesh or fish are to be mixed therein, it shall be of two sorts only at the utmost, either flesh or fish, and shall stand instead of a mess, except only on the principal feasts of the year, that is to say, the eve and day" of Christmas, St. Stephen, Easter, etc.," on which feasts and days every man may be served with three courses at the utmost, after the manner aforesaid."⁵⁶

It was further provided that this statute should go into effect on the first Monday after the next All Saints Day, and should be cried in each county and kept "in the form and manner below stated without any additions to or interpretations of it."⁵⁷

The enforcement of this law was largely left to local officials, both civil and ecclesiastical, rather than to royal appointees sent out for that specific purpose. According to a note appended to the statute itself, the king sent copies of the law under his seal to various "decanis et capitulis ecclesiarum"⁵⁸ (which are listed), to the sheriffs throughout England, to the mayor and bailiffs of York, etc. A copy of Edward's letter to the sheriff of Yorkshire is also printed as follows (to translate rather freely):

"The king to the sheriff of York greeting. This ordinance and statute, issued by us in our great council at Nottingham the Monday⁵⁹ next after the

55. Literally "a diner, manger ne souper". Translated, in the way quoted above, by William A. Hammond, "Sumptuary Laws and their Social Influence", in *Popular Science Monthly*, vol. xxxvii, p. 35.

56. Stat. L., vol. i, pp. 466-68.

57. Ibid.

58. Ibid.

59. "Die Lune".

feast of Saint Michael,... with the assent of the prelates, counts, barons, and all the commons of our realm there present, for the common good, ... we send you under our seal ... and command that you shall see to it that this ordinance and statute in your whole county and in the cities, burgs ... and other places within your jurisdiction ... shall be publicly proclaimed and that you shall enforce it as firmly as possible."⁶⁰

A memorandum following this letter states that similar missives were sent to the sheriffs of all the other English counties, and that the statute, in the form of patents and "consimilia brevia"⁶¹, was also sent to various archbishops, bishops, counts and noblemen of the kingdom, commanding them to observe the rules laid down in the act and not to presume even to attempt *to do* anything in any way contrary thereto. The names of the persons to whom the patents were sent are listed. No statement is made, however, as to what penalties would be incurred by the officials mentioned for failure to enforce the law or by the people in general for failure to observe it.

There is no evidence to show whether the act which we have been discussing was ever enforced, but we know that it was not repealed ~~until~~ ^{until} the reign of Queen Victoria,⁶² after it had lain forgotten for hundreds of years. Enforced or not, however, it, together with later laws of a similar character, formed part of a plan by which Edward III hoped to promote prosperity in England. Edward's legislation implies that he had certain definite schemes as to the best way of gaining this end. According to Cunningham, he endeavored (1) to foster foreign commerce; (2) to aid English industries; and (3) to check extravagance by sumptuary legislation, though not by his own

60. Stat. L., vol. i, pp. 467-68.

61. Ibid.

62. It was repealed by 19 & 20 Victoria, c. LXIV.

example.⁶³ Sometimes he attempted to kill two birds with one stone, or, in other words, to accomplish two or more of his purposes by the passage of a single law. Such was the case with regard to a law which was passed the year after the enactment of the statute regulating food.

During most of 1337, Edward III remained in England, because of the strained state of his relations with France, instead of returning to the north to continue the campaigns which he had been waging against the Scotch. At that time, despite the indifference manifested by the English and French courts, two cardinals, Gomez, a Spaniard, and Bertrand of Montfavence, a Frenchman, were sent as papal legates to France and England respectively to settle, if possible, the points in dispute between the two countries. For the next three years these prelates worked with energy and persistence, but with little result. The personal relations of Philip and Edward had become embittered because of the fact that in 1336 Edward had offered a refuge, in England, to Robert of Artois, Philip's brother-in-law and mortal enemy. War between England and France was virtually declared in 1337. Both countries secured allies on the continent, but the real fighting did not begin until 1338, when Edward's proposed invasion of Scotland was hastily abandoned because of the news of a threatened French attack upon England.⁶⁴

63. Cunningham, vol. i, p. 298. Cunningham says that Edward's foreign, as well as his domestic policy, was affected, if not dictated, by commercial considerations, and that his commercial policy harmonized more closely with modern principles than did the schemes of some of his successors. He endeavored to develop manufactures for which the country was suited and, by precept rather than example, to encourage thrift among the laboring classes. He desired to increase the volume of trade, which by this time was becoming better understood and "considerably extended", says Barrington (pp. 242, 243); and he legislated in the interest of the consumer and in disregard of the claims of particular classes. He did not ^{however} consciously and habitually subordinate political to economic interests. "It is more true to say that his policy was very greatly determined by his desire to promote economic interests". (Cunningham, p. 311)

64. Political History of England, vol. iii, pp. 322-323, 330-334.

While these events were taking place, Parliament was summoned to meet at Westminster in the middle of March, 1337. During this session of the legislative body, a law intended to restrain extravagance in dress and promote the consumption of English manufactures was enacted. This statute directed

"that no man nor woman,⁶⁵ great nor small, of England, Ireland, nor Wales, nor of our Sovereign Lord the King's Power in Scotland, of what estate or condition he be, the King, Queen and their children only except, shall wear no cloth, which shall be bought after the feast of Saint Michael next coming, other than is made in England, Ireland, Wales, or Scotland..., upon pain of forfeiture of the same cloth and further to be punished at the King's will; and that in the said lands of England, Ireland, Wales, and Scotland, within the King's power, a man may make the cloths as long and as short as a man will."⁶⁶

In order to prevent the wearing of any foreign cloth, all merchants, "foreign nor denizen, nor none other"⁶⁷, are forbidden to bring or cause to be brought into Great Britain any cloth manufactured in any other country, under pain of forfeiting the cloth and being punished "at the king's will."⁶⁸

65. This "is perhaps the first instance in the statute book of an apprehension that woman was not included under the word man". (Barrington, pp. 242-243)

66. Statutes of the Realm, vol. i, p. 280-11 Edward III, c. 2. The last clause practically repeals the provisions of the assize of cloth, which regulated the length and breadth, etc. of cloth and which is referred to above. (See p. 7 n.) In 1352, however, another statute was passed which provided that throughout England cloth should be made of the length and breadth which had formerly been ordained at Northampton.

67. Ibid., pp. 280-81 .

68. Ibid. This clause was evidently intended to protect the English cloth manufacturers against foreign competition. Chapter 1 of the same statute was apparently enacted with a similar purpose in view, since it absolutely prohibits the exportation of any wool ~~from~~ ^{from} England "till by the King and his Council it be thereof otherwise provided". This was doubtless done so that the English cloth-workers could always be sure of an adequate supply of wool. A great deal of wool must, prior to this time, have been shipped abroad in order to necessitate such a regulation; or perhaps this provision was intended to protect the monopoly of the exportation of wool granted to

The fourth chapter of the same act provides that no one, men or women, in England, Ireland, Wales or Scotland, "the King, Queen, and their children, the Prelates, Earls, Barons, Knights and Ladies, and people of Holy Church, which may expend by year an C li. of their benefices at the least, to the very value, only except"⁶⁹ shall wear any fur bought after the coming feast of St. Michael, in or on any of his clothes, under the same penalty as before.

This statute was sent by the king to the sheriffs of all the counties, who were ordered to have it read and proclaimed in "full County Court, and in all places in your Bailiwick, as well within Liberties as without, where you shall see meet", and to enforce it firmly, "and this in no wise writ".⁷⁰

the merchants-staplers. (With regard to the monopoly of wool granted to the merchants-staplers and the purpose for which it was granted, see C. Gross, *The Guild Merchant*, vol. i, p. 140 ff.) This passage prohibiting the importation of foreign cloth should be compared with c. 30 of Magna Charta (as confirmed in 1225 by Henry III) which provides that all merchants, "if they were not openly prohibited before, shall have their safe and sure conduct to depart out of England, to come into England, to tarry in and go through England... to buy and sell without any manner of evil... by the old and rightful customs, except in time of war", etc. (Stat. L., vol. i, p. 11)

In a petition dating from the first year of the reign of Edward III (1327) it ~~was~~ complained that the granting of permission to foreign merchants to remain as long as they pleased in England ~~is~~ ^{was} contrary to the usages and ancient franchises of England, as confirmed by Magna Charta, and that such merchants raised the prices of all sorts of commodities to an outrageous height. The petitioners therefore requested that foreign merchants should henceforth be compelled to sell all their wares within forty days after their arrival in England. The king's answer was: "Soit ordene de ce par comune essent" (*Rotuli Parliamentarum*, vol. ii, p. 9. With reference to the entrance of foreigners into England, see *ibid.*, p. 28).

In 1328, however, an act was passed which provided that all staples, both in England and abroad, that had been ordained in times past should cease and that merchants, whether foreigners or natives, might freely come and go with their wares in England. (See Gross, vol. i, p. 141). The law with regard to the admission of foreigners (and especially of foreign merchants) into England thus seems to have varied almost from year to year.

69. *Ibid.*, p. 281

70. *Ibid.*

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This act of 1337 had both/economic and a sumptuary purpose.

"Laws which insisted that all Englishmen should wear native cloth, limited the class who might wear fur and forbade the importation of foreign cloth were at least partially protective", says Cunningham. He thinks, however, that this protective system was probably not completely enforced for any long period of time. He cites to prove his point 27 Edward III, st. 1, c. 4, where attention is given to the complaint that foreign merchants have withdrawn from England and the grievances of foreigners importing cloth are redressed.⁷¹ If one may draw a conclusion from a single statute, one may fairly say that the law referred to substantiates Cunningham's statement.

The provisions contained in the act of 1337 with regard to the wearing of furs were necessitated by the fact that, before gold and silver lace began to be manufactured, furs⁷² constituted the greatest single article of luxury, so far as dress was concerned. The most costly furs were

71. Cunningham, vol. i, p. 308.

72. "The most characteristic feature of the winter dress of our forefathers", says Thorold Rogers, "was the general use of fur". The poorer classes lined their winter garments with sheepskin, and the wealthier classes used furs of every description, no winter garment being complete without this addition. Most of the choicer furs were imported through the agency of the Hanse towns and the Baltic trade. The choicest fur was miniver, a variegated or banded fur. Next came popel, the value of which was about half that of miniver. Squirrel, stanling, lamb and rabbit were all skins of English origin. We also find bugey and swans-down (the latter ~~very~~ ^{triumphing} mentioned in the writings of the day. Fur linings were indispensable in woolen gowns in which the texture of the cloth was coarse and loose.

The prices of these various kinds of furs may be judged from the following examples. In 1310, 1312 ~~and~~ 1313, rabbit skins sold for 1 s. 1½ d. The price was relatively high at this time, however, because rabbits were scarce. Lambskins were the cheapest kind of lining. They averaged 13 s. 6 d. a hundred. In 1321, the fur lining to a set of robes was valued at 10 s. 6 d. In 1342, a lining of popel (or popul) skins cost 14 s. 0¼ d. and a lining of "black fur", in 1379, brought 6 s. 8 d. In 1342, a miniver hood sold (the highest price recorded for such an article) for 12 s. 4 d. Between 1370 and 1383, the charges for furs were excessive: 40 s., 53 s., 80 s., and 87 s. (James E. Thorold Rogers, A History of Agriculture and Prices in England, vol. i, p. 582 ff.)

imported from the northern parts of Europe⁷³ and were used as early as the time of Henry II. In the clauses which extend permission to wear furs and foreign cloth to a limited group, there is, as in so many later sumptuary laws, a recognition of classes in the community, a recognition which appears more clearly at the time of the Black Death and in the celebrated Statutes of Laborers which attempted to enforce regulations made for one class wherever found. Before Tudor times, the main lines of cleavage in English society had ceased to be perpendicular, into privileged local groups, and had become horizontal, into separate classes. The recognition of the laboring class and also of the moneyed or capitalist class was one of the most important developments in English life from the time of Edward III on.⁷⁴ In the act which ~~has just been discussed~~ ^{has just been discussed}, the right of people of means, as well as those of noble birth, to wear costly clothing is clearly recognized in the section which provides that churchmen having an income of £ 100 a year may wear furs.

The facts adduced by Cunningham⁷⁵ lead one to believe that the protective system set up by the act of 1337 (and extended by later acts) was not enforced for any long period of time. There is no record to show whether the sumptuary portion of the provisions of this act was carried out with greater strictness or not, but we may assume that it was not, because of the fact that extravagance in dress continued to be ~~remarked upon~~ ^{criticized} and attacked by the chroniclers and satirists of the time, and that law after law was passed in order to correct this evil.

73. Since many of the most costly furs were imported from abroad, this provision, too, may have had a protective purpose, i.e. may have intended to encourage the English fur-trade. ^{been}

74. Cunningham, vol. i, p. 379.

75. See above, p. 23

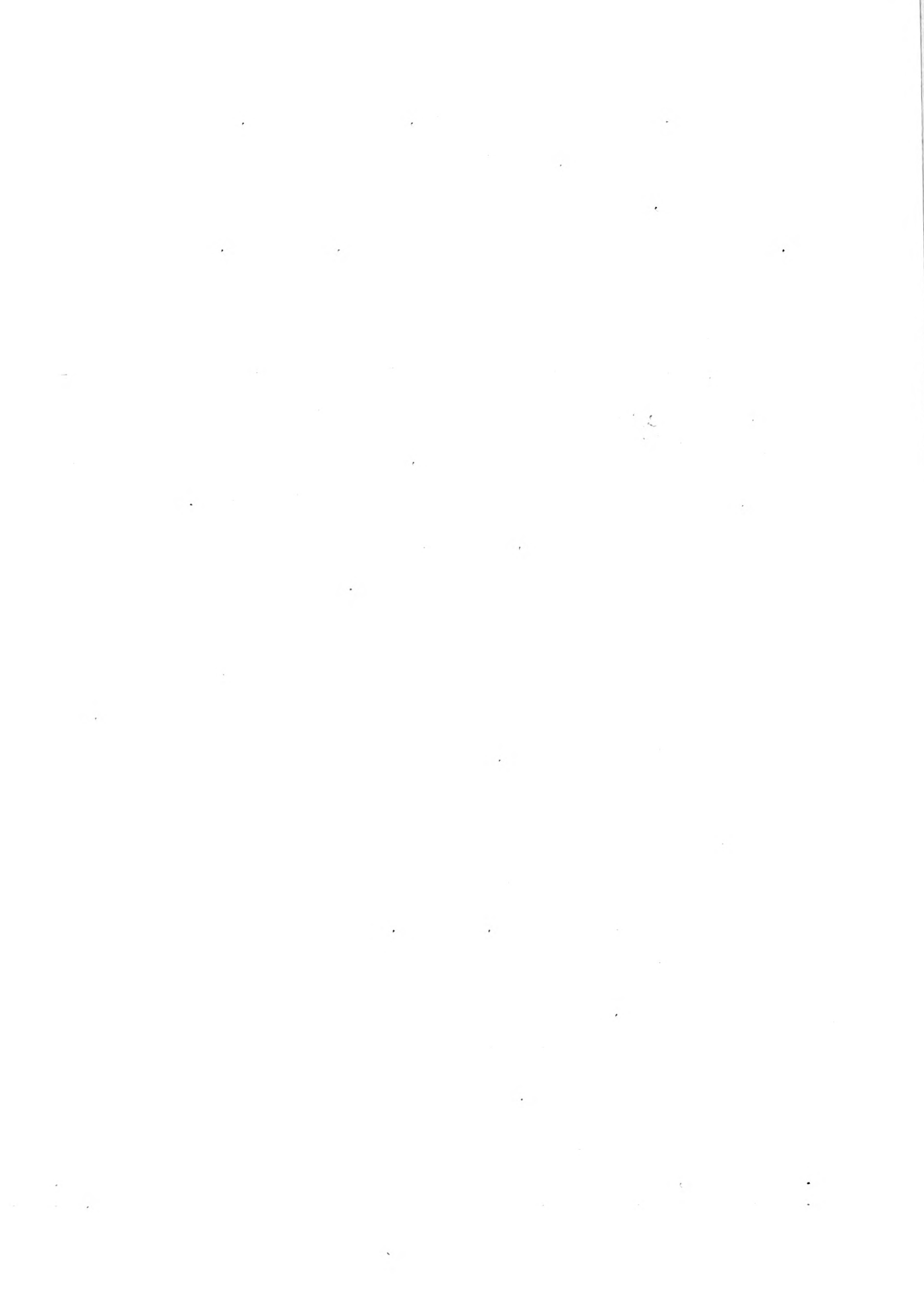
The next statute which is of interest to us is one which was enacted in 1355. "After the Epiphany", to quote Stowe, "a Parliament was holden at Westminster, wherein an ordinance was made at the instance of the Londoners, that no known whore should weare from thenceforth any hood, except reved or striped of divers colors, nor furre, but garments reversed or turned the wrong side outward upon paine to forfeit the same"⁷⁶ At first glance this ordinance seems to fall under the head of sumptuary legislation, but its fundamental purpose is evidently not to check extravagance, but to protect the morals of the community by forcing women ~~to~~ *who led* evil lives to wear distinctive clothing, so that everyone might be able, on sight, to distinguish them from respectable citizenesses. It must have been extremely difficult, however, to force the women affected by this law to wear ^{the} garments prescribed for them.

It was not until 1363 that the first act regulating in detail the dress of various classes of the English people was passed. Since to a certain degree it served as a model for all later statutes of apparel, it deserves to be given in extenso, but, before doing so, it seems advisable to discuss the developments in dress which took place during the period of Edward III.

Edward III has been described as the "king who taught the English people how to dress".⁷⁷ Edward, however, although he did much to develop English nationalism and won a foremost place for his country among the nations of the world, was not the sole leader in the great movement which swept over England during his reign and which left its inhabitants with a characteristic national dress. The causes which led up to this consummation

76. John Stowe, *Annales, or a General Chronicle of England* (ed. of 1631) p. 254

77. Mrs. Charles H. Ashdown, *British Costume during Nineteen Centuries*, p. 84.



were: (1) the wealth brought in by the wool trade with the continent and by the general extension of English commerce;⁷⁸ (2) the great war with France which necessitated the passing to and fro across the channel of thousands on trade or plunder bent. All this resulted in the building up of a national character and incidentally of a national costume. This growth of a national spirit among the English people was noticed by Froissart who, as an adventurous young clerk from Valenciennes, had sought out a career for himself in the household of Philippa, Queen of Edward III, where he had lived for nine years. To him ~~was~~^{two} of the most outstanding characteristics of the common people of England seemed to be their delight in battle and slaughter and their hatred of foreigners. For all who were not Englishmen, they felt a fierce hatred, which found no counterpart among the more cosmopolitan knightly class. The same fierce patriotism is recorded in the pages of other writers. Before the end of Edward III's reign, England had become an intensely national state, proudly conscious of itself and of its national life, as it had never been before, and contemptuous of the foreigner, with its own language, literature, style in art, law, universities, and the beginnings of a movement towards the nationalization of the church. The cosmopolitanism of the earlier Middle Ages was everywhere on the wane. As a result of the consummation of a movement which had originated in the storms of the reign of Henry III, a nation had arisen out of the old world-state and world-spirit. One manifestation of this great patriotic movement was the development of a style of dress,⁷⁹ which was more truly national and less a mere copy of continental modes than the earlier fashions had been.

78. For a discussion of the growth of English trade, commerce, manufactures, etc. under Edward III, see Political History of England, vol. iii, pp. 426-427.

79. Ibid., p. 396 ff. *See also* Ashdown, pp. 84-85.



The garments which were thus evolved were not, however, purely English in character. They were rather hybrids between those worn at home and those in fashion on the continent. Prior to this time, men had been hampered by long robes. These were now done away with or preserved only in the dress of lawyers, doctors or traders or in the costume of the king. Regal dress was, at this period, notable for its simplicity. The chief garment was the *dalmatica*, which reached to the ground and was open up the front, thus exposing an under tunic. The sleeves of the latter frequently reached almost to the knuckles and were embellished with a row of buttons. The sleeves of the *dalmatica* might either be tight and curtailed at the wrist or long and hanging.⁸⁰ A rich piece of embroidery often bordered the opening down the front of this garment, which was sometimes confined at the waist by a belt, with long pendants hanging from it. The royal mantle of this period much resembled an ecclesiastical cope. The king usually completed his costume with embroidered shoes. Just what head-covering he wore when out of doors, it is hard to say, since in the pictures of the time he is generally represented as wearing a crown, probably a mere conventionality used to distinguish him from ordinary mortals.

The characteristic garment of Edward's reign, worn by most members of the upper classes and by both sexes, was the *cote-hardie* (or *hardi*) which was a very tight-fitting tunic, following the lines of the figure, buttoned down the front and reaching sometimes half-way down the thigh, and at others almost to the knees. It was worn with a jewelled or otherwise decorated belt around the hips. The sleeves of this garment were generally tight from the elbow to the wrist and often decorated with buttons. Just above the elbow was attached the *tinnet*, a piece of silk fastened around the arm like a detachable

80. When the sleeves of the *dalmatica* were long and hanging, those of the underneath tunic generally resembled the sleeves now worn by bishops.

cuff with a long streamer hanging from it.⁸¹ This tight sleeve and tippet took the place of the long pendant sleeves which had been fashionable during the early part of Edward's reign, and which had gotten longer and longer as time went on, until some of them actually swept the ground. The cote-hardie itself was usually made of some figured or parti-colored material and had a band of contrasting (usually white) cloth sewed around its bottom, below the hip-belt. The lower edge of this band was "dagged"⁸² or cut into ornamental patterns. As time passed, the cote-hardie⁸³ grew shorter and shorter, until it became so scanty as to evoke criticism from contemporary writers.

The tunics of the aristocracy were made of the most gorgeous materials: cloth of gold or silver, velvet, silk, satin, etc., the use of some of which was forbidden in certain instances by the sumptuary laws. Gold, embroidery, pearls and other jewels were used in ornamenting them.⁸⁴ The frequent tournaments and other gorgeous entertainments which took place in the reign of Edward III promoted a rapid succession of new fashions among the upper classes. One of these was the working of mottoes and short verses on tunics and other articles of clothing. Ordinary citizens dressed in a manner very similar to the way in which the nobles dressed, though of course less expensively.⁸⁵

81. The tight sleeve with the tippet was introduced about 1250. It hid the buttons on the sleeve of the under-tunic, which had previously ~~been~~ *been visible*. The tippet usually hung down to about the knees, though sometimes lower. For a picture of the tippet see Ashdown, opp. p. 86.

82. The fashion of dagging was introduced about 1346. The term was applied to all ornamental edging.

83. The cote-hardie was usually buttoned tightly down to the hips. The band of white material which decorated its lower edge hung loose. For a picture of the cote-hardie at the height of its perfection, see Ashdown, opp. p. 88. The cote-hardie in its most perfect form was probably padded, since creases are conspicuously absent.

84. The hip-belt, which was one of the most striking features of dress and which was practically universal during this period, was generally formed of a number of square brooches linked together by chains. The highest art of the goldsmith and the jeweller was brought into requisition in the making of these belts, and the cost was only limited by the wearer's purse.

85. Among the merchants, more sober colors and more conservatively cut clothes were worn. Clothing from 1259-1400, was very expensive. Cloth was coarse, but its price was high. Linen, too, was costly. Shirts were such valuable articles

Over the cote-hardie was worn a cloak or mantle which varied considerably in shape. Some of these cloaks were circular, split down the side and buttoned on the shoulder. Another circular cloak, which buttoned at the neck, had jagged edges. There were also parti-colored cloaks, ^{which resembled} ~~the~~ towns with hoods, and ^{which} ~~reached~~ to the feet. The ordinary cloak reached to the ankles, was fastened on the right shoulder by three or more large buttons and was ornamented around the edges by embroidery. The hem sometimes consisted of dagging eight to ten inches deep. To the neck of the mantle was fastened the capuchon, or hood, which fell upon the chest and back when not in use. This hood was frequently parti-colored. It might either be very full in the cape and jagged at the edges or close about the neck and plain. From the peak of the hood hung down the liripipe, a tail or tippet,⁸⁶ sometimes very long, at others of medium length.

The nobles and ~~those~~ ^{other persons} of high degree wore fantastic hats of various kinds and also felt and fur caps, which were round with a rolled-up brim and a little peak on top, as well as hoods. Some of the hats had tall crowns, with close, thick brims and a string through the brim so that they might be hung on the belt when not in use. Other high-crowned hats had castellated brims, and still others were long and peaked and sometimes had a feather stuck in them - plumes which were often nearly a yard in length and which stood straight up in front of the hat in sockets ornamented with goldsmiths' work. The brims of all these hats were apparently colored, but the crowns were generally of white felt.

that they were often the subjects of charitable doles and were sometimes devised by will. (Rogers, History of Agriculture and Prices, vol. i, p. 66).

86. Liripipes were originally restricted to the head-coverings of men, especially university graduates. In the Middle Ages, they were worn by all classes of men and later by women. (George Clinch, English Costume from Pre-Historic Times to the End of the 18th Century, pp. 164-165.)

To complete his costume, a gentleman wore chansses, or tights, which were often parti-colored, and made after the fashion of trunk-hose, and which were probably the "hosen" alluded to in the acts of apparel. He was shod with long-toed shoes, which buttoned up the front or buckled over the insteps. These shoes were generally made of rich materials, such as red and white chequered leather, were pointed and in shape resembled more closely a half-boot than a shoe.⁸⁷ The length of the toes subsequently became so extravagant that it was considered necessary to regulate them by law.

A good many changes in male costume were introduced about the year 1350. The hip belt remained in style, but began to be ornamented with a large buckle to which was attached a gypcière, or sort of pouch, with a dagger thrust through it. The boots became longer,^{more pointed,} and also more ornate. They were now sometimes laced instead of buckled. The capuchon (mentioned in connection with the dress of the clergy in one of the later sumptuary laws) decorated with ornamental bands around the neck and a short liripipe, was now worn over the left shoulder. Parti-colored clothing became more fashionable than ever before at this period and proved particularly objectionable to the ecclesiastical authorities, while many caustic remarks were levelled at it by the satirists of the day. The sleeves of the cote-hardie were worn longer than they had been previously - reaching now to the root of the thumb with the buttons underneath. The greater part of the cote-hardie was now generally covered with a pattern consisting of foliated leaves and tendrils. In one picture dating from this period, a hat is shown worn over a capuchon. This hat has a turned-up brim, from the back of which a feather springs. In the period after 1350, long

87. Affectation of parade and gaudy clothing were not confined to the laity, but ~~were seen~~ ^{were seen} among the clergy as well and were even carried to such extravagant lengths as to call forth many censures on their dress and conduct (Strutt, Dress and Habits, vol. ii, p. 158) These censures generally originated in truth, but in many instances ~~were~~ ^{they} were probably entirely too severe and rarely admitted of general application.

gowns re-appeared. These gowns were often worn by civilians of the better class and were made with short sleeves with tippets appended to them. Usually ~~these~~ ^{such} gowns, and in fact the whole costume, of the ordinary citizen were remarkably plain, even sometimes entirely without ornament (except for the buckles on the shoes); but often extravagance prevailed and they were made of costly materials and elaborately decorated.⁸⁸

The women of the upper classes were apparently as fond of elaborate clothing in the ~~time~~ ^{period} of Edward III as were the men. They, also, wore a garment known as the cote-hardie, but which was much longer than that worn by the male sex, reaching sometimes to the feet, and which fitted the figure very tightly. The sideless cote-hardie seems to have been very fashionable for women. The sides of this garment were cut away all around the armhole, the cut sometimes extending from over the shoulder almost to the waist, and revealing an under-tunic, usually of contrasting color. In the late fourteenth century, the ornamentation round this opening became an important feature of female dress.⁸⁹

Over this garment was frequently worn the super (or supra) cote-hardie, a sort of surcoat without sleeves, which was often so long and trailing that, in order to facilitate walking and to reveal the richly decorated cote-hardie beneath, it was drawn up on one side and passed over the arm. The surcoats worn by the ladies of the highest rank were often made of cloth of gold, covered with an intricate pattern. The use of such fabrics was forbidden to the lower classes by many of the acts of apparel, as has already been stated. The skirts of all the gowns were very voluminous and generally had either pockets or holes in front - holes cut so as

88. For pictures of late Edward III costumes, see Ashdown, pp. 94, 95.

89. Clinch, pp. 127, 138, 139. Perhaps the writers who mention this sideless cote-hardie have ~~possibly~~ confused it with the super cote-hardie, which never, apparently, had any sleeves.

to allow the wearer to reach her girdle which was hung from a belt worn over the under-dress. The gowns were generally buttoned or laced down the front from neck to waist. In the early part of the fourteenth century, prior to 1350, the sleeves of most dresses were slit to about the elbow and hung almost to the ground. The hanging part of the sleeve was lined with bright-colored silk. Underneath these hanging sleeves the sleeves of the kirtle,⁹⁰ very tight-fitting, extending almost to the fingers, and decorated with a row of buttons, showed plainly.

When going outdoors, the ladies of the early fourteenth century wore curious fur or cloth (lined with fur) capes or cloaks, which were fastened across the chest with a cord.⁹¹ These capes were usually longer behind than in front and were cut in scallops all the way round. When worn for hunting, they were ornamented with bells. Women also wore high boots, like those of the men, when dressed for the chase, but on ordinary occasions they appeared in plain shoes, with slight points, either buckled, laced up the side, or buttoned up the front.

One of the most striking features of female dress in the 14th century, and indeed long afterwards, was the headdress. During the period from 1300-1350, this was composed of a couvre-chef (a handkerchief-like affair, held in place by a band around the forehead) and a forget of the same material as the couvre-chef, arranged in folds around the neck and shoulders, and sometimes covering the lower part of the chin. The hair was usually divided into two plaits, which were arranged on either side of the face and were held

90. The term kirtle was applied to a variety of garments worn by both sexes. Originally the kirtle was a short linen under-garment, but Chaucer speaks of it in a way which leads us to infer that in his day the garment was of fine material, though still used for underwear. (Clinch, pp. 161-162).

91. In a brass in one of the old English churches, dating from the 14th century, one of these capacious cloaks is represented, lined with fur which is brought from either side in the form of lappets. These lappets meet on the chest where they are buttoned down. The cloak is gracefully draped into one of the openings for the hands and is held in place by the arm. (See Ashdown, p. 105). Women sometimes wore a belt around the hips during this period - the forerunner of the later jewelled belt.

in place by a fillet of silk or linen with long ends which hung down the back of the wearer. Pointed frontlets of pearls were also worn across the forehead. The plaits were fastened either straight up beside the face or at an angle. They were never left hanging. The gorget, or throat-cloth, was attached to the hair by pins with elaborate heads. Sometimes the hair was divided into four plaits, two on either side of the face, and fastened horizontally. The *couvre-chef*⁹² was usually of silk or linen. White silk or linen caps were also worn, shaped so as to cover the plaits and combine the gorget and *couvre-chef* in one. The gorget at the time of its fullest development had a wire strengthening its upper edge. This wire passed round to the back of the head and was secured by pins in the hair. The *couvre-chef* was, during the reign of Edward III, beginning to be omitted for indoor wear, since the idea that a lady might appear in public with her head uncovered was now taking root.

In the Middle Ages, innovations in dress were introduced at rather long intervals compared with the present time, but about 1270 a change occurred in fashions for women, corresponding to the change in men's dress which occurred about the same time. The new fashions remained in vogue until about 1360. Two features which were especially prominent in female costume from 1350-60 were the nebule headdress and the sleeve tippet. The earliest form of the nebule headdress consisted of a cylindrical case of woven wire (usually gold wire) passing across the forehead and down each side of the face. Another early form of this headdress consisted of a metal fillet round the head to which were attached on either side two cases of gold

92. The *couvre-chef* was also occasionally called a wimple, though the term wimple seems to have been more correctly applied to that part of the headdress which covered the chin, throat and breast. (Clinch, p. 182) In a brass of Lady de Creke in Westly Waterless church (Cambridgeshire) the *couvre-chef* has a stiff band with a serrated edge on the forehead and two pendant sides, which are brought forward and pinned into the plaits of hair on either side of the face, in imitation of masculine head-gear. (Ashdown, pp. 102, 104.)

fretwork, generally circular in shape and frequently ornamented with precious stones. The hair was no longer plaited, but was brought in two parts from the back of the head and pushed into the jewelled cases. The nebule head-dress broke the unwritten rule which had prevailed for so many centuries against a woman's showing her hair.

The emergence of the hair was followed by the exposure of the neck. Fairly low-necked dresses were now worn, usually with round or bateau necks, without any decorative material to soften the hard line round the throat. Gowns were still tight-fitting, but not all of them were as long as they had been during the first period of Edward's reign. Some of them now reached just to the feet. The sleeves of the gowns still partially covered the hands and still had rows of buttons extending half the length of the upper arm.⁹³ The women, as well as the men, now wore bands fixed around the upper parts of their arms from which depended ~~the~~ tippets, generally white in color and sometimes reaching to the ground. The tippet was fastened either directly in front of the sleeve or so as to hang down the side. It was seldom seen after 1380.

A good idea of the general appearance of the ladies of Edward III's day may be gained from Knighton's description of the women who attended tournaments during that period. He says, "They are dressed in party-colored tunics, one half being of one color, and the other half of another, with short hoods, and liripipes, or tippets, which are wrapped about their heads like cords; their girdles are handsomely ornamented with gold and silver, and they wear short swords or daggers before them in pouches..."⁹⁴ The masculine appearance of the ladies when thus habited and mounted was frequently censured by the writers of the day.

93. By the beginning of the next century more than half the land was hidden.

94. Henry Knighton, *Chronicon*, col. 2597, sub A. D. 1346, vol. ii, p. 57.

The dress of the working-class during the early fourteenth century was far more striking in color than it had been hitherto. Many different styles of dress were worn. The long cote-hardie,⁹⁵ reaching to the knees, was almost universal. It was confined by a cord round the hips in imitation of the knightly belt. From this cord depended, either in front, on the sides, or behind, a square bag, the gypcière, which was capacious in its dimensions and was used as a purse, a tool-holder, etc. The old-fashioned loose tunics, bunched at the waist, were still worn by the poor, and the coif, worn over the head and tied under the chin, was very persistent throughout this period. The capuchon, or hood, was also very common. The lower part of it, which went around the neck and which had formerly only reached to the shoulders, was now lengthened so as to reach to the elbows or lower, was buttoned down the front and was sometimes pined. Hats were occasionally worn over such hoods. Cloaks, wooden-soled shoes and pouch gloves were also worn by the lower classes, though sometimes they had no covering for either head or feet. Peasant women wore ill-fitting gowns with tight sleeves, hoods open at the neck and short in the back, and smocked aprons. In general, the lower classes, in the days of Edward III, exhibited a queer mixture of the fashions prevalent in this and in preceding reigns.⁹⁶

95. The skirt of the cote-hardie was sometimes pleated and ^{made} of thinner material than the rest of the garment (this went out of style about 1350) or split up the front and turned back. The cote-hardie was occasionally sleeveless and, in the case of the richer men, had a band of embroidery around the arm-hole.

96. The whole foregoing account of the dress of the Edward III period is taken from Ashdown, p. 84 ff.; Calthrop, vol. ii, p. 24 ff.; and Clinch, pp. 137 ff., p. 161 ff. For pictures of the costumes of this period, see J. F. Green, Short History of the English People, vol. i, pp. 333, 334, 348, and opposite page, ~~359~~, 369, 370, 377, 378, 379, 380, 381, 390, 391, 396, 397, 398, 399, 400, opp. p. 414, 420, 423, 424, 425, 426, 427, 428, 429, 435, 446, 464, opp. p. 466; vol. ii, pp. 471, 473, 476-77, 483, 497. See also Ashdown, pp. 86, 88, 90, 92, 94, 95, 96 and opp. p. 96, opp. p. 98, opp. p. 102, 105, opp. p. 106, 108, next to p. 111, and opp. p. 112. For a picture of a tippet, see opp. p. 86; for a cote-hardie, opp. p. 88; for a dress of

Such were the garments which clothed the people of that day and which, because of their fantastic styles, their scantiness, the costliness of the materials of which they were made, or for some other reason, called forth the censures of contemporary moralists and were thus brought to the attention of the government. In 1363, Edward's third law for the regulation of costume was enacted. By this time the war with France had come to an end, England having been in the main victorious. A treaty of peace had been signed at Calais on October 24, 1360. The return of the armies from abroad, loaded down with spoils, probably increased still further the general extravagance which had been so much complained of at an earlier date and brought in its train other economic troubles, in addition to those which had already arisen out of the Black Death. For this reason, the legislation of the years from 1360-69 was largely economic and, curiously enough, anti-papal.⁹⁷ ^{we} ~~say~~ "curiously" because Edward's government was still mainly controlled by ecclesiastics. ~~However,~~ ^{nevertheless,} the clergy, ^{even} if they did not help forward the anti-Roman legislation, ^{seem} ~~at~~ ^{to have been} at least content to stand aside and let it take effect without protest. It seems unlikely, however, that they viewed extravagance and wastefulness among the people of England with calm eyes. They probably not only inveighed against it in their sermons (as we know they did at other times) but were also perhaps instrumental in securing the passage of the sumptuary law of 1363. This dominance of the

ordinary citizens, see *op. cit.* p. 90; for men's hats, p. 92; ^{for} ladies' dress (1300-50), p. 100 - full page illustration in color. *Ibid.*, pp. 103, and ff. p., opp. p. 108, and next to 109, opp. p. 110 and ff. p. See in addition, Charles and Leopold Martin, *The Civil Costume of England from the Conquest to the Present Time*, plates 15, 16, 17, 18; and Strutt, *Dress and Habits*, vol. ii (14th century) frontispiece, plates 69, 70, 72, 73, 74, 75-79, 83, 85, 86, 87 (head-coverings of the 14th century), 88-89.

97. See first Statute of Provisors (1351) and Statutes of Praemunire (enacted 1353 and 1393).

clergy in secular affairs, though growing gradually less, as has been mentioned above, lasted until 1371 when, at the request of Parliament, Edward III replaced his ecclesiastical ministers by laymen.⁹⁸

On October 13, 1362, in the thirty-seventh year of Edward's reign, Parliament met at Westminster. From this meeting, as Walsingham puts it, "nullus magnus se potuit absentare"⁹⁹ or as Capgrave translates this phrase "fro which mite no man of powere absent him".¹⁰⁰ Evidently the king had ordered that all those who were of high rank should be present. This Parliament continued its sessions throughout the following winter. During the course of its deliberations, the House of Commons, believing doubtless, as apparently almost everyone in the Middle Ages did believe, that it was quite improper to allow economic laws to work out their own results and that it was the duty of kings and princes, and incidentally of Parliaments, to set *every-* ~~things~~ right, addressed a petition¹⁰¹ to the king which began as follows:

"...Since many necessaries within the kingdom have been greatly increased in price because divers people of divers conditions use divers

98. Political History of England, vol. iii, p. 427 ff.

99. Thomas Walsingham, *Historie Anglicana*, vol. i, p. 299.

100. John Capgrave, *The Chronicle of England*, p. 232.

101. We have nothing to show whether this petition was inspired by some outside authority or whether it really represented the ideas of the House of Commons. Judging, however, from internal evidence, i. e. from the attitude assumed towards the lower classes, it seems more likely that some one of high rank and a correspondingly poor opinion of the common people and of their place in life was responsible for the petition and *for* the statute which was passed as the result of the petition.

apparel¹⁰² not pertaining to their estate; that is to say, laborers (yeoren)¹⁰³ use the apparel of craftsmen, and craftsmen the apparel of valets, and valets the apparel of squires, and squires the apparel of knights; ...poor women and others the apparel of ladies, poor clerks fur¹⁰⁴ like the king and other lords; therefore the below-mentioned merchandise sells at greater prices than it was accustomed to, and the wealth of the kingdom is destroyed, to the great damage of the Lords and Commons. For which they pray a remedy..."

The king's response to "the petition put forward by the Commons with regard to the excess of apparel of the people beyond their estates, to the very great destruction and impoverishment of the land, by which cause all the wealth of the kingdom is...consumed and destroyed"¹⁰⁵ was favorable. Accordingly, a statute was enacted, as was stated in the preamble, to correct "the outrageous and excessive apparel of divers people against their estate and degree".

The first chapter of this act ordained that grooms, "as well servants of lords, as they of mysteries and artificers, shall be served to eat [with meat] and drink once a day of flesh or of fish,"¹⁰⁶ that is to say, they shall not be allowed to eat flesh or fish more than once a day. The rest of their meals shall consist of milk, butter, cheese, etc., according to their rank. It was also provided that this class of people should not use or wear, "for their vesture or housing",¹⁰⁷ any cloth which should exceed

102. "Vitailles" (Fotuli Parliamentorum, vol. ii, p. 278).

103. "Diverses gentz de diverses condicions usent diverse Apparaill." (Ibid.)

104. "Garceons" (Ibid.)

105. "Pellure" (Ibid.)

106. The petition and response are quoted from Fot. Parl., vol. ii, p. 278 ff.

107. Stat. of Realm, vol. i, pp. 380-81; also Stat. L., vol. ii, p. 164 ff.-
37 Ed. III, c. 8- c. 15.

108. Stat. L., vol. ii, p. 164.

in price two marks for the whole amount of cloth needed. Neither shall they wear anything of gold or silver, embroidered, enamelled, or made of silk "nor nothing pertaining to the said things".¹⁰⁹ Their wives and children must follow the same rules with regard to their clothing and must not wear any veils or kerchiefs exceeding 12 d. in price.¹¹⁰

The next section of the act deals with yeomen and handicraftsmen and provides that they "shall not take nor wear cloth of an higher price for their vesture or hosing, than within forty shillings the whole cloth",¹¹¹ that they shall neither buy such cloth, nor acquire it in any other manner. They are also forbidden to wear precious stones, cloth of silver, silk, girdles, knives, buttons, rings, brooches, chains, etc. of gold or silver, and embroidered or silken clothing. This prohibition is extended to their wives and children, who are also directed not to wear any veil or kerchief made of silk, "but only of yarn thread made within the realm,"¹¹² nor any fur nor hudge,¹¹³ except lamb, coney, cat and fox.

We might suppose at first sight, as Cunningham points out, that the artisans of this period must have been in exceedingly prosperous circumstances if they could even think of wearing the fabrics which they were forbidden to wear, but we must remember that these fabrics might, if this law had not been passed, have been procured ^{merely} for occasional use at civic and ecclesiastical functions by those who were habitually clad in very coarse cloth. These fine clothes were seldom worn out by their original purchasers, but were frequently left in their wills to the church to be made

109. Ibid.

110. Ibid.

111. Ibid., pp. 164-165.

112. Ibid.

113. Hudge was lambskin with the wool dressed out *side* and was often worn on the edges of capes.

into vestments.¹¹⁴

After disposing of the lower classes, the legislators next turned their attention to the higher classes of society, beginning with esquires and gentlemen below the rank of knights. Persons belonging to this class, who did not possess land or rents to the value of a hundred pounds a year, were ordered not to wear cloth costing more than four marks and a half "the whole cloth".¹¹⁵ They were further forbidden to wear cloth of gold or silver, silk, etc. as above, as well as harness of gold or silver, precious stones, pearls or any kind of fur. Their wives and children must "be of the same condition as to their vesture and apparel",¹¹⁶ and must not wear any trimmings or edgings on their garments. However, an exception was made in favor of squires or gentlemen who possessed lands or rents to the value of two hundred marks or more a year. They were permitted to wear cloth worth five marks the piece, also silk, cloth of silver, ribbons, girdles, etc. "reasonably" trimmed with silver; and their wives, daughters and children were allowed to use fur "turned up of miniver,¹¹⁷ without ermine or letuse,¹¹⁸ or any manner of apparel"¹¹⁹ trimmed with precious stones, except headdresses.

114. Cunningham, vol. i, p. 310. Of course, at this period, just after the Black Death, which had killed off a large part of the laboring population, there was a great demand for laborers and wages were much higher than they had been previously. Seligman maintains that the regulations with regard to laborers and handicraftsmen, contained in this and other laws, prove that journeymen were so well treated, as regards the necessities of life, that the government felt impelled to interfere occasionally in order to prevent them from indulging in extravagance. (Seligman, *Medieval Gilds*, p. 469)

115. Stat. L. p. 165.

116. Ibid. The women are forbidden to wear "esclaires, criniles, ne treofles", as well as all "manner of apparel of gold, or silver, or of stone". "Criniles" were probably bodkins or hair-pins ornamented with jewels; by the word "esclaires", we should understand something flashing or glittering; and "treofle" might mean a peculiar ornament in the shape of a trefoil. (Strutt, vol. ii, p. 105 n.)

117. *Revers de menevoir*" (Rot. Parl., vol. ii, p. 278) For a description of miniver, see p. 23 n. 72

118. A white or gray fur worn up to the middle of the 16th century, a cap of which was thought to act as a ~~s~~porific.

119. Stat. L., vol. ii, p. 165.

Merchants, citizens, burgesses, etc., both in London and elsewhere, and their wives and children likewise, if they possess goods and chattels worth five hundred pounds, are authorized to wear clothes similar to those which are permitted to esquires and gentlemen possessing £ 100 a year. *All persons belonging to the above-named classes* ~~Merchants, etc.~~ who own property worth £ 1000, and their wives and children, may dress like esquires and gentlemen who have an income of £ 200. "And no groom, yeoman, or servant of a merchant, artificer or person of handy-craft shall wear otherwise in apparel than is above ordained of veomen of lords."¹²⁰

Knights who possess an income of less than £ 200 (or 200 marks) a year are given permission to wear cloth worth not more than six marks, but not to wear cloth of gold, nor cloaks, mantles or gowns furred with miniver, nor sleeves of ermine, nor any apparel embroidered with precious stones or otherwise. Their wives and children must observe the same rules with regard to their dress and must not wear any ermine, letus, or precious stones, "but only for their heads".¹²¹ However, all knights and ladies with incomes of from 400 marks to £ 1000 a year may wear anything they please, except ermine, etc. as above.

That the clergy and scholars of the time, as well as the laity, were guilty of extravagance in dress is indicated by one section of the ordinance of 1363, *by which* ~~so~~ their dress, too, is regulated. It is provided that clerks "which have degree in any church cathedral, collegial or schools, and clerks of the king that hath such estate that requireth furr shall do and use according to the constitution of the same."¹²² All other clerks who have

120. Ibid.

121. Ibid., p. 166.

122. Ibid.

less than 200 marks income per year shall dress like esquires possessing £ 100 income, while those who receive more than 200 marks shall "wear and do as knights of the same rent. And that all those, as well knights and clerks, which by this ordinance, may wear fur in the winter shall wear linure [lawn] in the summer".¹²³

At the very end of the act, seeming almost as if it had been elbowed aside by the chapters dealing with more important people, is a section regulating the dress of persons belonging to the very lowest class in society, namely, carters, ploughmen, ox-herds, cow-herds, shepherds, swineherds, dairymen, etc., "and all manner of people of the estate of a groom, attending to husbandry, and all other people that have not goods nor chattels to the value of 40 s."¹²⁴ Such people may not wear anything but blanket cloth and

123. Ibid. This provision was perhaps intended to prevent the unseasonable wearing of fur as well as extravagance in its use.

124. Ibid. From 1259-1400, the cheapest kinds of woollens were bluet, russet and blanket. In the first of these, two qualities at least may be traced; the second was an inferior article; the third cheapest of all. The first two terms point to the color of the cloth. Blanket was undyed stuff. "Russet" was sometimes used to designate cloth made from black wool. When bluet was quoted by the piece, it was superior in quality to bluet sold by the yard. In 1284, a piece of bluet cost £ 5, 14 s. 9 d., and in 1286 £ 4, 13 s. 4 d. As a rule, the price was low - before the Black Death, it averaged 1 s. 7½ d. per yard, while russet averaged 1 s. 4 d. Blanket was never very high and occasionally very cheap. It was used especially for long, loose garments, which were usually very ample, containing from eight to ten yards of material. Blanket and russet were the fabrics prescribed for the peasants to wear by the ordinance of 1363. (Rogers, Agriculture and Prices, vol. i, p. 576 ff.)

russet, costing 12 d. a yard. They are ordered to wear girdles of linen, according to their estate, and not to eat or drink excessively. The penalty for failure to conform to the ordinance in all its points is forfeiture to the king of all prohibited apparel.

In order that this statute ~~should~~^{shall} be "maintained and kept in all points without blemish",¹²⁵ all the manufacturers of cloth in England, both men and women, are ordered to manufacture cloth which will sell for the various prices set forth in the act, and all drapers are ordered to sell cloth at those prices, so there will be plenty of such cloth for sale and therefore no excuse for buying more expensive fabrics and so violating the statute. The king and his council are given discretionary power to devise some means of forcing the clothmakers and drapers to abide by this ordinance - to constrain them "by any manner way that best shall seem"¹²⁶ to the council.

In 1363 (apparently after the foregoing statute of apparel had been enacted) the king issued writs of summons for a Parliament to meet at Westminster on the sixth of October following. On the latter date, there was not a full attendance of the members, and the meeting was therefore adjourned to the next Friday. On November 3,¹²⁷ which was also Friday, the whole Parliament assembled at Westminster in a room known as the White Chamber. The king, the nobles, prelates and commonalty all were there, and a colorful scene it must have been, with the king attired in his gorgeous robes, the nobles in rich garments of silk and satin and cloth of gold, and the commons in less costly, but equally brilliant clothing. The petitions

125. Ibid., pp. 166-167.

126. Ibid. For this statute, see also Stat. F., vol. i, p. 380 ff.; Pot. Parl., vol. ii, p. 278 ff., pp. 281-282.

127. "Le tierce jour de Novembre" (Pot. Parl., vol. ii, p. 280)

drawn up by the House of Commons and the responses made to them by the King were read, and then the Chancellor, Simon Langham, Bishop of Ely, magnificent in his ecclesiastical dress, rose at the command of the King and announced that his master was now resolved to execute the Statute of Apparel. He charged all the members of Parliament to abide by this statute, to enforce it and cause it to be enforced, and not even to attempt to do anything in any respect contrary to it. The commons, upon their return home, were ordered to publish abroad the new regulations and make them known to all the people, so that in the future everyone should dress, and make his household and servants dress, in accordance with the ordinance. Since many of the matters dealt with by this Parliament were new and had never been touched upon before, the Chancellor asked the members of Parliament whether they wished the results of their deliberations to be put forth in the form of ordinances or of statutes. They replied that it seemed best to issue ordinances and not statutes, "so that they might amend the same at their pleasure".¹²⁸ This was done. Whether this action affected laws adopted previous to this session of Parliament or only those passed after this meeting is not clear. Therefore we do not know whether the act of 1363 was issued as a statute or as an ordinance, though it seems to be referred to as a series of ordinances in the Rolls of Parliament,¹²⁹ and is spoken of both as a statute and as an ordinance in the Statutes of the Realm.

128. Ibid.

129. For a full account of the meeting in the White Chamber, see Cobbett, (ed.) *Parliamentary History of England*, vol. i, pp. 128, 129; and *Parl.*, vol. ii, p. 280 ff. Historically, the lines of distinction between an ordinance and a statute were not definitely drawn. An ordinance was usually held to mean a law or regulation promulgated without the assent of one of the three powers (Crown, House of Lords, and House of Commons) necessary to the validity of an act of Parliament. Probably the use of the word "ordinance" in this case meant that the acts would be issued without being voted upon by the House of Lords. The Commons

Before leaving the law of 1363, we must call attention to one or two of its features. In the first place, it seems clear that its purpose was not only to put a stop to extravagance in dress (and to a certain degree to encourage the use of English products) but also to preserve class distinctions by means of costume. As Medley, in his "Social England", says, "It is...necessary to remember that mediaeval society was far more dominated with the idea of caste than the society with which we are familiar, and that this caste, whether social or merely official, was outwardly marked by a difference of costumes."¹³⁰ Few things help us more effectively to realize the regimentation of mediaeval and early modern society in England than do the sumptuary laws of the period. Every costume was to some extent a uniform revealing the rank and condition of its wearer.¹³¹ The ordinance which we have been discussing strove to preserve and accentuate these natural differences in dress and thus to bolster up the class distinctions on which they were founded. If one studies the ordinance carefully, one perceives that as it takes up the various classes one by one, from the lowest up, it grants to each one a few more privileges with regard to dress than it had accorded to the class next below it. It also makes distinctions within a class, the wealthier members of a group being allowed to indulge their taste for finery to a greater extent than their poorer brethren. Evidently, the high-born and wealthy were specially privileged, with regard to dress as well as ^{to} other matters.

had apparently already voted upon the petition. It is not quite clear why Parliament couldn't have amended a statute just as well as an ordinance, but the reason quoted above for issuing an ordinance instead of a statute is the one given ~~in~~ in Rot. Parl., vol. ii, p. 281 - "bon est mettre les choses par voie d'Ordinance, et nenye par Estatut, au fin que si rien soit de amender puisse estre amende a preschein parlement."

130. D. J. Medley, Social England, vol. ii, quoted in Clinch, p. 66-67.

131. F. J. C. Hearnshaw, Lect Jurisdiction in England, p. 218 note. See also p. 123.

^{with regard to}
~~As to~~ the enforcement of the ordinance which has just been considered,¹³² there is more positive evidence than there is in relation to the earlier laws. Walsingham, after discussing this ordinance, says "Sed haec omnia nullum effectum capiebant". The same statement is found in the "Chronicon Angliae",¹³³ possibly copied from Walsingham, or vice-versa. Walsingham was almost contemporary with the period of Edward III - he died about 1422 - and, although the earlier part of his chronicle was a compilation from the works of other historians, he is considered reliable with regard to his own time.¹³⁴ To back up his statement, we have some purely negative evidence, namely, the fact that, with one exception, mentioned in the next paragraph, nothing has been found to prove that either the ordinance of 1365 or the earlier sumptuary laws were ever enforced. No mention of any attempts to enforce them is made by ~~any of the~~ contemporary writers, although it seems probable that the enforcement of such laws would have stirred up enough of a ripple in society to have attracted their attention. Moreover, one does not find any records of cases arising under these laws

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132. For a summary of this ordinance, see Capgrave's Chronicle, p. 222: "There was forbode that sylvyr and gold schuld not be used in knyves, ne girdelis, ne brochis, ne ringes, ne no other ornamentis [or apparell] but in swete persones that myte spend £ 10 be yere : and ~~also~~ ^{also} that no man schuld were [silk] peloure or precious cloth but he myte spend be yere a hundred pound. It was ordeyned ~~also~~ ^{also} that the comune puple schuld not use no precious [delicate] mete ne drink." The chronicler seems to be speaking, in this passage, of the ordinance of 1365, although the provision concerning people possessing £ 10 a year is not found in that act. See also Parliamentary History of England, vol. i, pp. 127-128; Walsingham, vol. i, p. 299; and Baker, p. 140.
133. Walsingham, vol. i, p. 299; E. M. Thompson (ed.) Chronicon Angliae, in Chronicles and Memorials of Great Britain and Ireland, vol. LXIV, p. 53.
134. For a statement as to Walsingham's reliability and general accuracy, see Charles Gross, The Sources and Literature of English History, pp. 328, 395.

or coming before the courts,¹³⁵ as they doubtless would have done if the acts had been strictly carried into effect. On the basis of this evidence, it seems fair to conclude that none of the sumptuary laws of Edward III's reign were enforced to any great extent. But they were no exceptions to the general rule. Many laws remained ineffective during that period, and the sumptuary statutes were probably no more so than a number of other acts. Even if real efforts were made to carry them out, the "chronic weakness of the mediaeval executive soon recoiled before the hopeless task of enforcing impossible laws on an unwilling people."¹³⁶ Mediaeval laws were too often merely enunciations of an ideal. The king's arm was not long enough or strong enough as yet to reach all the classes affected.

The ordinance of 1363 was not long allowed to remain on the statute-books. The very next year (1363-64), a petition, purporting to come from the Commons, was sent to the king, asking that, since all the commonalty of the realm had been greatly burdened by this and other ordinances, ~~these laws~~ might be re-examined by the present Parliament and that all of the enactments by which "the poor Commons are put in danger and in subjection, be repealed and annulled."¹³⁷ This sounds as if the sumptuary laws had been enforced and is the one break in the chain of evidence supporting the opposite view referred to above. However, in ^{view of the large amount of} ~~the face of the~~ negative evidence which has been cited, it seems unwise to attach too much importance to it. The king's response to the petition was favorable, and a statute went into effect which provided that "[to that which] was ordained at the

135. I have been through all the Year Books and court records to which I have been able to obtain access, covering the period from the reign of Edward III to that of Henry VIII. ~~Some~~ of these records, however, are incomplete, with many years missing, and others are so poorly indexed that it is almost impossible to find anything in them.

136. Political History of England, vol. iii, p. 372-78.

137. Rot. Parl., vol. ii, p. 286.

last Parliament, of living and apparel...; It is ordained, That all People shall be as free as they were [at all times] before the said ordinance, and namely as they were in the time of the king's grandfather, and his other good progenitors..."¹³⁸ And that was the end, for the time being, of all attempts at sumptuary legislation.

In the reign of Edward III, there were enacted several statutes belonging to a long series of laws which were passed one after another, throughout a period covering three or more centuries, and which dealt with the subjects of livery and maintenance. One is apt at first glance to confuse them with the sumptuary laws, since both are listed under "apparel" in the indexes to the statute-books, but the former are entirely different from the so-called statutes of apparel and must be carefully distinguished from them. The "statutes of livery" may perhaps be best described as police measures. In general, they prohibited the giving or taking of any sort of liveries in any part of the realm and the retaining of the king's officers or tenants by any other person or persons. These laws were directed against the great lords and rural magnates who had formed the habit of surrounding themselves, for purposes of ostentation, security or aggression, with hordes of retainers, whom they fed and clothed and whose energies only too frequently found vent in private wars.¹³⁹

This custom grew out of the conditions which prevailed in feudal times, when every noble needed a small army of followers to protect him from

138. Stat. of Realm, vol. i, p. 585. This statute also repealed an act of the preceding Parliament, providing "that no English merchant should use but one merchandise" and permitted all merchants, foreigners as well as natives, to sell in and export from England, all kinds of merchandise, with certain exceptions, etc. See Edward III, c. 2 (1363-64 or 1364-65). The dates differ in the Statutes of the Realm and in the Rot. Parl. The former is correct according to our present method of dating.

139. Rogers, History of Agriculture and Prices, vol. i, p. 577 ff.

his neighbors, since there was no central government strong enough to preserve the peace among its subjects. Originally such protection had been furnished by the vassals of each lord, but, as feudalism began to fall into decay and the nobility realized that the number of their tenants was steadily growing smaller, they found it necessary to supply the defection of their ~~tenants~~ ^{followers} by other expedients. It accordingly was becoming customary in the period of Edward III (and still more so later on) for them to retain persons in their service, to be on hand whenever the lord's affairs should need their support. One of the chief duties of these retainers was to attend their master on public occasions. They did not usually live in his house, nor perform menial services. In order to distinguish the followers of different nobles from one another, they were dressed in liveries or hats of a peculiar style or color.¹⁴⁰ One such hat, or hood, and one suit of clothes were given to each man annually. This distinction in dress created, or at any rate strengthened, a sort of party spirit which became very general throughout England. Fraternities were formed by persons who bound themselves to support each other on all occasions, and who denoted their union by similarity in dress. The result was that the country abounded with adherents of great men and societies ready to become such. These confederacies became a terror to the government, since persons of weight and influence could always provide themselves with a set of determined followers to aid and abet them in any public

140. A distinctive dress was also prescribed by the founders of monasteries for the recipients of their benefactions. The same thing was done in colleges, though in all, complaints of undue smartness of dress on the part of some of the inmates of the college were occasionally made. (Ibid.)

violence.¹⁴¹

To put a stop to this evil a long series of statutes was enacted, beginning in the reign of Edward I. Another act passed in the twentieth year of Edward III, like many later statutes of the same kind, relied not upon the king's council (as was subsequently done) but upon the justices of assize and of the peace for its enforcement. All of the early laws dealing with the subject of livery and maintenance were poorly enforced and ineffective, as is proved by the frequent petitions dealing with the subject which were drawn up by the House of Commons, by the large number of such statutes passed during a comparatively short space of time, and by the multitude of cases directly or indirectly involving maintenance which are reported in the Year Books.¹⁴²

In addition to the statutes against maintenance, action was also taken,¹⁴³ by the English government against certain games, which were either

- 141. John Reeves, History of the English Law, vol. iii, pp. 152, 353. For statutes against maintenance, see 1 Edward III, st. 2, c. 14, - Stat. L., vol. i, p. 418; 4 Edward III, c. 11, p. 436; 18 Edward III, st. 1, vol. ii, p. 9; 20 Edward III, c. 4, 5, 6, vol. ii, p. 23. These statutes were directed against maintenance only. The question of liveries did not become important until the reign of Richard II.
- 142. Selden Society, Select Cases in the Court of Star Chamber, vol. xvi, p. xcvi of introduction. Although the king's council did not, at this time, have by law jurisdiction over cases of liveries and maintenance, and although Parliament only by vague language recognized its authority in this class of cases, yet when petitions of this kind were addressed to Parliament, it persistently turned them over to the council. It was thus by custom and acquiescence, before it was expressly provided for by law, that this part of the council's jurisdiction developed. (Selden Society, Select Cases before the King's Council, 1245-1482, vol. xxxvi, p. xxxi of introduction).
- 143. In 1332, we find among the records of the Fair Court of Wye a statement that twenty-three girdles had been confiscated in Wye in pursuance of a grant made in 1327 to the girdlers of London, enjoining the observance of their ordinance forbidding any member of the girdlers' guild to trim girdles of silk, wool, leather and linen with base metal, etc. This was apparently not a sumptuary ordinance, however, but merely a guild ~~ordinance~~ ^{regulation} designed to secure uniformity in the manufacture of girdles. (See Selden Society, Select Cases on the Law Merchant, vol. i, p. 110)

were considered

supposed to be harmful in themselves or ^{of} objectionable because they took up time which should have been devoted to other pursuits. After peace had been made with France in 1360, there followed, as there usually does after a long war, and especially among the troops who were disbanded immediately after the cessation of hostilities, a disuse of military exercises. Both England and France were heartily tired of war, so tired that the English even began to neglect the practice of archery, which had so recently enabled them to defeat the French. In 1363, Edward III, was obliged to issue a royal order forbidding many rural sports and enjoining the use of archery. His letter to the sheriff of Kent, dated June 1, 1363, ordered the sheriff to cause it to be proclaimed that on holidays every able-bodied man should use bows and arrows, pellets or bolts and practice the art of shooting, "forbidding all and singular on pain of imprisonment to attend or meddle with hurling of stones, loggats or quoits, handball, football, club ball..., cock-fighting or other vain games of no value. The art of archery is almost wholly disused, whereby the realm is like to be kept without archers."¹⁴⁴

In 1365, Edward, still dissatisfied with the situation, issued a similar order to the sheriffs of London which read as follows:

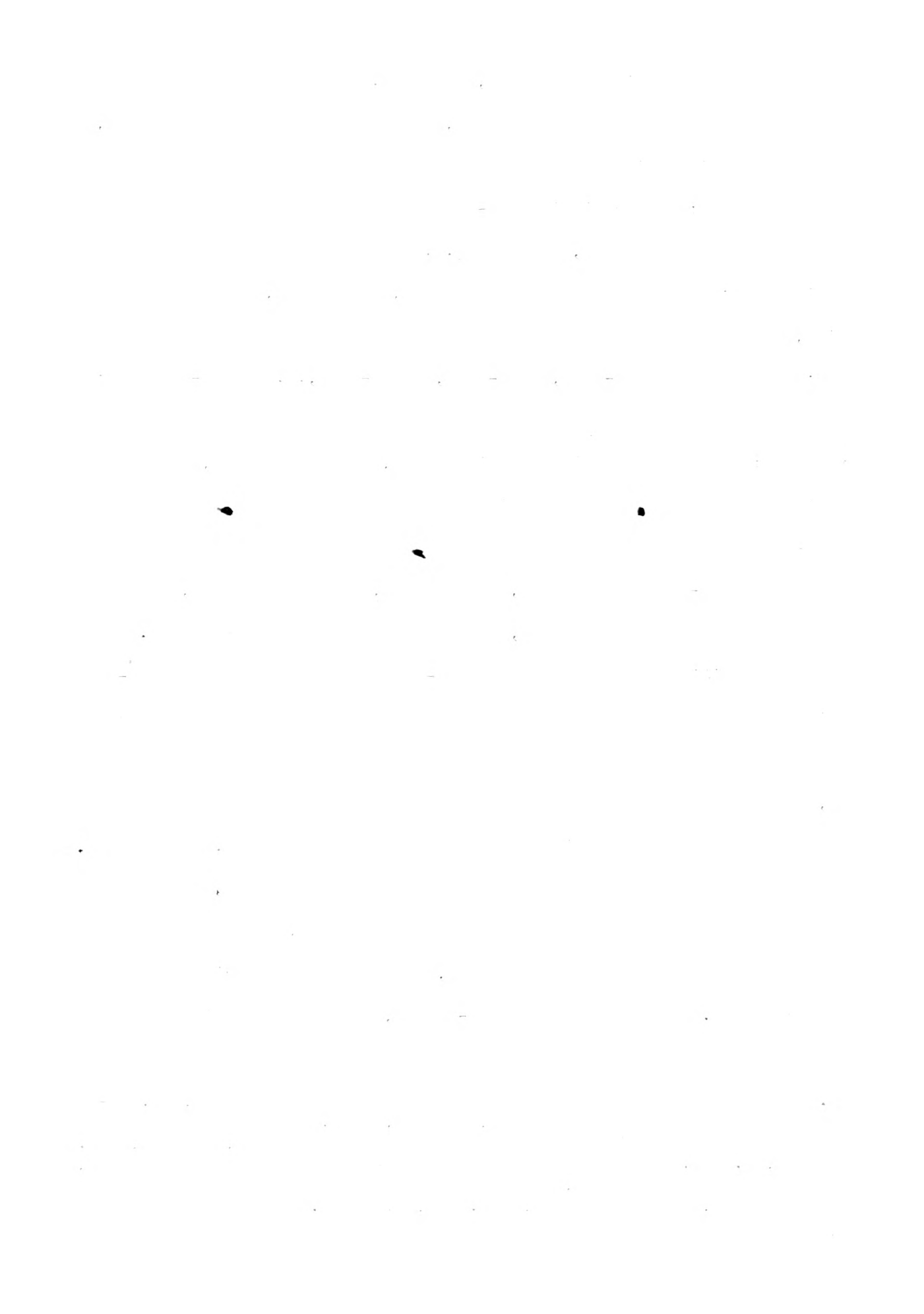
144. Calendar of Close Rolls (Edward III, 1360-64) vol. xi, pp. 534-545. Footfall, included among the list of forbidden games, was one of the most popular games in London in the Middle Ages, and regulations relating to it are found at intervals in the corporation archives. At one time, the city authorities forbade it altogether. In the early part of the fifteenth century, there was a Guild of the Football Players in London, which held its meetings at the Brewer's Hall. Football (totally different in character from the modern game) was the town-game of Derby in early days. In Scotland, an act of Parliament, dating from the reign of James I of Scotland, and still unrepealed, enacted that "no man shall play football hereafter under a penalty of 50 s." (See The Antiquary, vol. xiii, p. 39, and vol. xxxvi, p. 59)

"The King to the Sheriffs of London, greeting.

Because the people of our realm, as well of good quality as mean, have commonly in their sports before these times exercised the skill of shooting arrows; whence it is well-known that honor and profit have accrued to our whole realm, and to us, ...no small assistance in our warlike acts; and now the said skill being, as it were, wholly laid aside, the same people please themselves in hurling of stones and wood and iron; and some in hand-ball, foot-ball, handy-ball, ...or cock-fighting; and some also apply themselves to other dishonest games and less profitable or useful: whereby the said realm is likely, in a short time, to become destitute of archers." Therefore, in various parts of London, wherever they shall deem it expedient to do so, the ^{sheriffs} are ordered to proclaim that every able-bodied man shall, on holidays, practice archery, to prohibit the other sports mentioned above, and to encourage shooting-matches.¹⁴⁵

In addition to the fact that foot-ball and the other games prohibited by Edward III interfered with the practice of archery and thus deprived the kingdom of the skill which was its chief defense in time of war, certain games were generally regarded as harmful in themselves or in the results which they entailed and were therefore forbidden. Blackstone, ~~in the passage already quoted in the introduction to this essay,~~ says that games which involve betting tend to promote "idleness, theft and debauchery among the lower classes, and sudden ruin, desolation and suicide among the upper classes". He also lists gaming-houses, together with disorderly inns

^{P. Meadows,}
145. This letter is taken from ^A Source Book of London History, pp. 51-52 and is dated from Westminster, June 12, 1365. Similar letters were sent to the sheriffs of the counties. See also Fyner, Foedera, vol. vi, p. 468. For regulations as to long-bows and archery in general, see Daines Barrington, "Observations on the Practice of Archery in England", in Archaeologia, vol. vii, p. 46 ff.



and ale-houses, unlicensed plays, booths and stages for rope-dancers, mountebanks, etc., as public nuisances, which may upon indictment be suppressed and fined.¹⁴⁶

Ecclesiastical, as well as secular censures, were directed against certain kinds of games, owing to the fact that at funerals, anniversaries of dedications of churches and similar festivals there were generally merry-makings, at which there was often a free, perhaps even a licentious indulgence, in the games and sports of the time. Those who indulged in these sports subjected themselves to pecuniary penalties and ecclesiastical censures, excommunication not excepted. In 1363, John Thoresby, Archbishop of York, forbade all those who came to church on the vigils of saints and similar festivals "to exercise in anyway such plays" and ordered all rectors and others in authority to prevent all such excesses from being committed in their churches and church-yards. The penalty for not heeding this prohibition was suspension and excommunication.¹⁴⁷ The guilds in the various towns also attempted to regulate the playing of games which were considered harmful. In Newcastle, apprentices were forbidden to "dance, dyse, carde...or use any gytternes",¹⁴⁸ and in London a

146. Blackstone, Book 4, vol. ii, p. 126 ff.

147. Samuel Denne, "Figures Carved in Stone on the Porch of Chalk Church", in *Archaeologia*, vol. xii, p. 20 ff. Ecclesiastical prohibitions of games date back to 1223 and several examples have been found in the fourteenth century.

148. Seligman, p. 454. Newcastle apprentices were also forbidden to "use any cut hose, cut shoes, pounced jerkins or any berds"; by this we see that the guilds, as well as the central government of England, issued sumptuary ordinances. Offences against the guild regulations were punished first by fines, then by confiscation of tools, and finally by expulsion from the society.

master was allowed to discharge an apprentice who was a forger or a thief, even though the apprentice had been enrolled before the chamberlain of London.¹⁴⁹

Attempts to set maximum prices for articles of food and other necessaries of life and to enforce the laws already enacted which dealt with this subject were continued during the reign of Edward III. In a case which came up in a Court Leet, in the twelfth or thirteenth year of this reign, it was presented that the plaintiff had brewed contrary to the assize of bread and ale. He was fined six-pence. During the course of the next year, another man, who had been amerced on a presentment at a court-leet for brewing and selling contrary to the assize of ale, brought suit in a higher court, claiming that he had been wrongfully fined, since that particular court-leet had no jurisdiction over him, because he was resident within the manor of another lord. These cases show that the enforcement of ^{the} assizes of bread and ale, ^{and of other articles} ~~etc.~~ was still largely left to the lords of the manors¹⁵⁰ and to municipal officials.

On October 30, 1361, the king by a proclamation ordered the mayor and sheriffs of London to fix prices for articles of food and to supervise their sale.¹⁵¹ In 1363, during the same session of Parliament in which Simon Langham announced the king's determination to enforce the statute of apparel, in response to a petition drawn up by the House of Commons, it was ordained that "little victuals",¹⁵² such as poultry, should be sold at fixed prices in order to put an end to the high prices

149. David Hughson, *An Editore of the Privileges of London*, p. 158. I shall not attempt to take up in detail the sumptuary or allied regulations adopted by the various gilds. For those, see the well-known works on the gilds.

150. Year Books of Edward III, Years 12 and 13, p. 214; years 17 and 14, pp. 184-186.

151. Calendar of Close Rolls (Edward III, 1360-64) vol. xi, pp. 284-285.

152. "Petites Vitailles" (Rot. Parl., vol. ii, p. 277 ff.)

which then prevailed. It was ordered that a young capon should be sold for not more than 3 d.; an old one for 4 d.; a hen for 2 d.; a pullet for 1 d.; and a goose for 4 d. The execution of this act was entrusted to certain justices.¹⁵³

That the provision found in one of the earlier laws which forbade city officers, who had charge of enforcing the assizes of victuals, to sell anything during their term of office, under penalty of forfeiting their goods, was, in some cases at least, ^{very} burdensome is indicated by a petition presented to the royal council by the citizens of Ratford, who claimed that their town was a commercial center and that they were entirely dependent for a living upon selling their wares. A suit had been brought against their two bailiffs, who, so the inhabitants of Ratford declared, got no advantage out of their office and were therefore forced to sell articles of food, etc., over the sale of which they, as bailiffs, had supervision. The petitioners asked that the goods of these officers should not be confiscated, as in accordance with law they should have been. The council ordered the records and documents pertaining to the case to be brought before it, so that it might examine them and render justice.¹⁵⁴

What its final decision in the matter was is not recorded.

153. Ibid. See also Parliamentary History of England, vol. i, p. 128. For a regulation with regard to taverns and selling ale and beer after curfew, see ^{the} proclamation for the safe-keeping of the City of London, dated December 17, 1334. (English History Source Books, 1307-99, p. 21)

154. This petition was presented in 1370, 4 Edward III, (See For. Parl., vol. ii, p. 42, petition 54). See also the petition drawn up by the authorities of the University of Cambridge, asking that wine should not be sold at a higher price at Cambridge than in London. This latter petition was not granted. (Ibid., p. 48, petition 69) Allied to the statutes fixing the prices of victuals were the Statutes of Laborers which fixed wages or the price of labor. Several such statutes were passed during the reign of Edward III. See 23 Edward III, st. 1; 25 Edward III, st. 1, c. 1 ff.; 31 Edward III, st. 1, c. 6; 34 Edward III, c. 9 ff; also Chronicon Angliae, p. 20, and Selden Society, Select Coroner's Polls, vol. ix, p. 118.

On June 21, 1377, Edward III died, and, on July 16, his little grandson was crowned king as Richard II. In the second year of the new reign (1379), Parliament assembled at Westminster on April 25.¹⁵⁵

Richard, Lord Scrope (or Scroop), an old parliamentary hand and a well-trusted public servant, was now lord chancellor, the old chancellor, Houghton, Bishop of St. David's, having resigned some time before. At this period the royal council was composed mainly of men who were lacking in insight and force and whose political views were too heterogeneous to be easily reconciled. On the whole, the council was ill-fitted to deliver England from the complicated evils which beset her both abroad and at home during the reign of Richard II. Before (or perhaps soon after) the parliamentary session of 1379-80 came to an end, Lord Scrope gave up his office, and Simon Sudbury, archbishop of Canterbury, was put in his place.

The Parliament of 1378-79 is said to have debated much, ^{and} ~~but~~ done little. But one thing, at least, it did do. It presented a petition to the king, asking "that no man or woman in the said kingdom, except knights and ladies, shall use any manner of precious stones, fur, cloth of gold, or ribbon¹⁵⁶ of gold, or cloth of silk, unless he can spend £ 40 a year, on pain of forfeiture of whatsoever he uses contrary to this".

This was evidently a proposal to re-enact, in less detailed form, the substance of the act of 37 Edward III (1363). The king's answer to

155. While Parliament was meeting at Gloucester in 1378, it petitioned that the Statute of Laborers might be strengthened by new provisions for the pursuit of vagabonds and fugitive villeins. The Parliament which assembled at Westminster on April 25, 1379, seems to have been simply a continuation of the one of 1378. It is nowhere spoken of as a separate Parliament, although ~~placed by itself~~ in the Pot. Parl. (Pot. Parl., vol. iii, p. 55) *its records are placed by themselves*

156. "Ribane d'ore" (Pot. Parl. vol. iii, p. 56.)

the petition, written in French, was short and to the point: "Le Roi s'avisera tan q'a prosch' Parlement."¹⁵⁷ This practically amounted to a rejection of the petition, since the matter does not seem to have been taken up at the next session of Parliament, although the need for sumptuary laws was quite as great as, ~~if not~~ ^{perhaps} greater than, it had been in the reign of Edward III.

Under Richard II, especially as the king grew older, extravagance both in dress and manner of living rapidly increased. Luxury extended more or less to all the arts of life and affected the whole of society. After the Black Death, and perhaps partly as the result of that plague, which killed off so many skilled and talented craftsmen, a new style of architecture developed (1360-99). This was the Perpendicular, a style which was composed mainly of straight lines and which superseded the flowing tracery of the Decorated Gothic. The redeeming features of the Perpendicular architecture were its towers, its elaborate stone vaulting and carving, and its beautiful timbered roofs. The lay architecture of the reign of Richard and of the last years of Edward III was not very distinctive. The evolution of the magnificent country mansion from the feudal castle went on, however, and taste and fancy played an increasing part ^{in domestic architecture} now that the uses of private war were ceasing to be a dominating consideration.

In the field of literature, the late fourteenth century was the period of the beginning of the morality plays, and of lyric poetry, which was not only becoming increasingly complex in form, but was also showing a growing tendency to imitate the sensuous beauty of the French singers.

157. Ibid.

This was quite as true of the religious as of the lay lyric. The new national spirit which had developed during the reign of Edward III found its expression in political songs, ballads and metrical romances. Chaucer was, of course, the outstanding literary figure of the day, but Wycliffe, Langland and Gower were also prominent in their own fields.

In spite of the efforts of benefactors of learning, such as William of Wykeham, Bishop of Winchester, who is known as the founder of the English public school system, and of splendid endowments for arts, theology, and law, the decay of the universities and of learning generally in England proceeded rapidly from the date of the Black Death, which wrought special havoc among the clergy, until the introduction of classical studies under the early Tudors. In the sphere of religion, the Papacy was becoming more and more of a temporal institution, whose action might be criticized like the action of ordinary temporal powers, and ^{which} was at this time judged with greater jealousy on account of its association with the politics of France. The English church resolved to manage its own concerns without interference from without. This was another manifestation of the growth which national sentiment had undergone in the fourteenth century and was one of the causes which led to the passage of the Statutes of Provisors and Praemunire (which dealt with the relations ~~of~~ ^{between} England ^{and} the Papacy) and to the transitory success of the reform movement, set on foot by Wycliffe.

The state of the agricultural classes in England during the first half of the fourteenth century, though not perhaps, quite so prosperous and satisfactory as in the thirteenth, was still steadily progressive. About 1349, however, as the result of the Black Death, the consequent scarcity of labor and the demands of the surviving laborers for higher

wages, a struggle was inaugurated between the laborers and their employers which lasted for at least two generations and which culminated in the Peasants' Revolt. Though the revolt was easily suppressed and various reactionary laws ~~enacted with regard to~~ ^{directed against} the working classes, ^{were passed} the uprising accelerated changes already in progress, assured for good and all their final triumph, and thus led to the gradual disappearance of villeinage.

The commercial policy of Edward III has already been noticed. In the reign of Richard II, although English trade continued to increase and many foreign products, especially costly articles, such as silks, velvets, fine linen and furs, made their way into the country and thus rendered possible the wearing of extravagant clothing, signs were not wanting of the approach of the "mercantile system". Trade was beginning to be subordinated to foreign diplomacy. Wool and cloth were the chief articles of export, and the subjects of much legislation.¹⁵⁸

One of the greatest evils in England in the late fourteenth century was the growing luxury and ostentation which became a feature in the life of nearly all classes of the nation. In this respect, the king himself set a very bad example to his people. He has been called the greatest fool who ever occupied the English throne. In ^{a contemporary} description of his character, we find it stated that he was weak and effeminate, "in gifts prodigal, in banquets and dress splendid beyond measure, ...too much given over to luxury".¹⁵⁹ (No A)

158. Traill, Social England, vol. ii, p. 123 ff.

159. Vita H. Picardi II (ed. by Hearne) p. 109; quoted in English History Source Books (1307-99) p. 110. In the same passage, it is stated that Richard was capricious in his ways, that he spurned the counsel of the elder nobles and adhered to that of the young.

He wrung taxes from the people, only to waste them on extravagances. He is said to have possessed one garment worth £ 20,000.¹⁶⁰ The nobles and the merchants followed his lead and spent large sums on dress.

During the first few years of Richard's reign, the style of costume of the late Edward III period continued in vogue. It was not until Richard had succeeded in throwing off the guiding hand of his uncle that the characteristic dress of the reign began to be evolved. The cote-hardie, with its hip belt, principally composed of square pieces of metal, joined together by links and supporting a pouch or wallet of stamped and gilded leather or velvet and a sheath containing one or more daggers, was still worn by many. It was now, as in the preceding reign, often made of pied cloth, but, instead of each half of the garment being of a solid color as it had been previously, it was frequently striped with horizontal or diagonal bars. In the winter an overcoat with an attached hood was worn over it. This overcoat might or might not have sleeves, but generally had a belt around the waist. Cloaks, buttoned over the right shoulder and leaving the right arm free, were still worn, also.

A new garment, the houppelande,¹⁶¹ or pelicon, which remained in style for more than twenty years, was just coming into fashion. This was a long, loose robe, or tunic, usually lined with fur or silk and made to fit on the shoulders only, which was worn by both men and women in the late 14th and early 15th centuries. It had very long, loose hanging sleeves, often cut into designs at the edges. This garment was made in

160. Ashdown, p. 112.

161. For full descriptions of the houppelande, see Clinch, pp. 158-159; Calthrop, vol. ii, pp. 46-48; and Ashdown, pp. 114-115. See also Ashdown, plates next to p. 115, and opp. p. 116.

two different lengths, one reaching to the middle of the thigh, the other to the ankles. The skirt of the long houppelande was open from the bottom to the knee. From there up, it was buttoned over. At first, its collar was of ordinary dimensions, sometimes a mere ridge around the neck, but later on it became very high, reaching halfway up the back of the head. It was often buttoned up to the chin, the top button being left undone and the rest of the collar turned down. The sleeves, which were sometimes turned back to show those of the under-tunic, were frequently embroidered. The hem was cut into designs, and, in the case of the king and the higher nobles, the whole garment was powdered with knightly badges or with some other device.

Another article of dress called a paltock is mentioned by Piers Ploughman. "They have a weed^d of silk, called a paltock to which their hosen are attached with white lachets."¹⁶² This paltock was probably a very short jacket, at times so scanty that there was only a short frill below the waist. It was perhaps the predecessor of the short jackets which were forbidden by law in the reign of Edward IV. It was worn with tightly fitting chausses, or trunk-hose, which reached to the waist and which were fastened by points tied to corresponding points fixed to the lining of the paltock, the sleeves of which were generally ornamented and dagged and which had the usual high collar. The court-pie, an article of male attire, which is mentioned but not described by the chroniclers, was probably an outer garment, a kind of short cloak, somewhat like a tabard, split up the sides, with a high collar and trimmed with dagging.

162. Ashdown, pp. 117-118. For pictures of the paltock, see plates next to p. 118.

With this might be worn a belt (around the waist, not around the hips, as in the case of the cote-hardie) or a wallet hanging down the back from a strap around the neck.

The most common head-covering for men in the reign of Richard II was the chaperon, a very remarkable-looking affair, which was really nothing more than the hood (or capuchon) and liripipe transformed. The top of the head was now thrust into the aperture through which the face had formerly protruded, while the part which had covered the neck and shoulders was passed over the top of the head. The ornamental dagging fell down on the left side of the face, while the liripipe was wound around the head, fastened securely and its end allowed to hang down on the right side. The chaperon was worn for nearly one hundred years and many transformations took place in it. Sometimes the whole of the drapery was in front, sometimes behind. In another case, part of it might be hanging down the back, while the liripipe was twisted around the crown of the head like a turban.¹⁶³ In travelling a gentleman often wore, in addition to his chaperon, a peaked hat of cloth, high in the crown, with the brim turned up all around. Gloves of leather, ornamented with a design on the back or with a badge, if the owner were a knight, were also worn. Shoes were made of every kind of material, sewn with pearls on velvet or cloth, stamped with gold on leather, or made of raised leather, with enormously long pointed toes, sometimes stuffed, sometimes left limp, and occasionally fastened by chains to the waist or knees, in order to allow the wearer to move about. This fantastic style subsequently became so general that it was considered necessary to pass several laws prohibiting its use. Shoes of different colors

163. For pictures of the different kinds of chaperons, see Ashdown, p. 117.

were sometimes worn on the right and left feet respectively. The hose were fastened below the knee with ornamental garters. The court gallants wore rich chains around their necks, with pendants representing saints' figures or their own badges. The dagger was usually worn in a horizontal position, the sword hanging from a baldric over the shoulder.

The merchants of the time affected the long robe and capuchon. The peasants were still clothed in the simplest of garments: long, plain Norman tunics with the sleeves pushed back over the wrists, loose boots and straw-gaiters. Their dress was somewhat improved by the introduction of gloves made with a thumb and a pouch for the fingers.¹⁶⁴ They, like those superior to them in rank, sometimes wore the chaperon, though the ordinary farmer more often appeared in an old-fashioned hood, a peaked hat or a round, ^{broad-}~~large-~~brimmed straw hat.¹⁶⁵

During the reign of Richard II, the women of the upper classes, like the men, continued to wear the cote-hardie, which maintained its general tight-fitting form and which reached either down to the feet or ended at the hips and was worn with a petticoat underneath. It had by now become customary to wear it at times without the super cote-hardie, or sur-coat, though the latter, made of cloth of gold or silver, or of some other costly material (perhaps of one of those forbidden by the statutes of apparel) and often lined with fur, was almost always worn in winter. This surcoat was now, as it had been previously in the reign of Edward III, generally sleeveless and split down the sides from the shoulder to the hips, so as to enable the cote-hardie and the jewelled

164. The poll-tax of 1380 brought the laborer as an individual into the public eye for the first time and consequently altered and improved his clothes. (Calthrop, vol. ii, pp. 42-43)

165. See Chaucer's Canterbury tales for descriptions of the clothes worn by different classes during the latter part of the 14th century; also Calthrop, vol. ii, p. 52 ff.

hip-belt, now nearly as wide as that of a knight and fastened in the same manner, with a buckle or an Order of the Garter knot with a pendant in front, to be seen. The part of the surcoat hanging down the front was often considerably narrowed, sometimes to a mere chain, while the back was correspondingly widened. Sometimes the garment was made in two separate pieces, joining below the hips. The edges of the surcoat were often trimmed with fur, and a row of ornamental buttons ~~was~~ ^{was} placed down the front of it.¹⁶⁶ Many ladies left off the surcoat and simply wore the cote-hardie and a mantle. The prioress in the Canterbury Tales is described as wearing a handsome cloak, coral beads and a brooch of gold.¹⁶⁷ Later on in this reign ladies adopted the long houppelande, which reached to the ground and was very voluminous, as an outer garment.

Women wore purses, or saumonnières, suspended from their belts, with small daggers fixed on the outside, because of the lawlessness of the times. A mirror and pincers, used to pluck out the eyebrows and the hair on the back of the neck, were also hung from the belt. Jewelled chains were worn around the neck or shoulders, with pendants in front of a highly ornate character. The fashion prevailed throughout this period of emblazoning and quartering armorial insignia on garments, with the result that a great many different colors often appeared in one garment.

For probably two or three hundred years prior to the fourteenth century, ladies had been dressing their hair by the aid of a wire decoration or shape. This system was not fully developed until the advent of the reticulated style proper, in the period between 1380 and 1400. The reticulated headdress was

166. In a plate reproduced in Ashdown, p. 128, a super cote-hardie of embossed velvet, lined with white fur, is worn over a cote-hardie of purple silk, while over all is a cloak of green velvet, edged with ermine and fastened by a morse across the chest. Parlor (in his History of English Poetry, vol. iii, p. 324) says that the ladies in the reign of Edward II wore such long trains that they caused a clergyman to write a tract "contra caudas dominarum" (Strutt, vol. ii, p. 137 ff.)

167. Calthrop, vol. ii, p. 62 ff.

more beautiful than any style hitherto evolved. Its chief features were its costliness and its beauty as a work of art. Gold wire, woven into a net-like mesh, played the most prominent part in this coiffure, which was held in position by a rigid framework of the goldsmith's art. The stiff piece which crossed the forehead and extended out on both sides was termed the crespine; the portions on either side of the face were called cauls. The crespine was usually made like a coronet, with a semicircular projection on each side, forming the tops of the cauls, which, in some cases, were half-cylinders fitting over the ears and enclosing the hair. The hair was usually plaited, covered with a wimple and stuffed into the caul. If a wimple was not worn, the back of the neck was exposed and from this all hair was plucked. At the back of the head, the network of gold wire which formed the headdress was fastened to the coronet at the top and the part hanging down was pulled tight and fixed to either caul.

The coronet was usually a stiff golden band, ornamented with jewels, the cauls narrower bands of gold, strengthening the wire net. At the intersections of the reticulations were jewels to fasten the ~~bands~~ ^{stands} of wire together. The reticulated headdress was extremely costly and lavishly decorated and was often handed down from one member of a family to another. In another variety of this headdress, the ears were not enclosed, but all the rest of the head was enveloped in a hemispherical cage of gold net, to ^{the top of} which a long, floating veil was attached ~~on top~~.¹⁶⁸ The appearance of any hair outside the headdress was deemed indecorous and, consequently, a small pair of pincers, or tweezers, by means of which ladies plucked out their eyebrows and the hair on the backs of their necks, even at public functions, formed an almost indispensable toilet accessory. However, the

168. Horned headdresses were not worn before the beginning of the 15th century. In the reigns of Richard II and Henry IV, we find the heart-shaped headdress, which rising higher and more pointedly on either side finally formed in Henry V's reign, the completely horned headdress. (Strutt, v. ii, pp. 128-129)

hair was occasionally worn flowing loose over the shoulders, while the head was encircled by a chaplet of flowers or a circlet of gold. For outdoor wear or hunting, the elaborate headdresses were replaced by wimples or by chaperons and peaked hats. For riding and sport, women dressed almost exactly like men, with houpelandes, or heavy cloaks, and long boots. The poorer women wore plain, full gowns, hoods, or wimples tied under their chins, or no head-covering at all, except their own plaited hair. The merchant's wife and her maids alike wore white aprons over their dresses.¹⁶⁹

The insufficiency of the sumptuary laws passed in the reign of Edward III to effect the purpose for which they were enacted, at least for any long period of time, is shown by the continual censures heaped by moral and religious writers, poets, and satirists on the prevalent luxuries and absurdities in dress during the reign of Richard II. The last ten years of this reign were a wild riot of dissipation and extravagance, in which not only the king and the courtiers, but also the middle classes, the clergy and even the military engaged. Chaucer, who died in 1400, declaimed vehemently against the clothing of the time in the Parson's Tale. "As to the first sin," he says, "that is in superfluities of clothing, which that maketh it so dere,¹⁷⁰ to the harm of the people;

169. For a full description of the costumes of this period, see Calthrop, vol. ii, p. 43 ff.; Ashdown, p. 112 ff.; and Clinch, pp. 158, 159. For pictures of these costumes see Ashdown, ff. p. 114, opp. p. 116, p. 117, opp. p. 118, and ff. plate, p. 119, 120, 121, opp. p. 122, p. 123, ¹²⁴ and opp. p. 124, ~~125~~, next to 125, // 126, 120, 141, 142, 154, 155, 156, opp. p. 156, and opp. p. 158. Calthrop, vol. ii, p. 44, 45, 46, 48, 49, 50, 51, 52, 57, 54, 55, 56, opp. p. 50, 51, 55, 67, 68, 69; Martin, plates 19, 20.

170. Some articles were very expensive during the reign of Richard II, others were fairly cheap. Scarlet cloth, for example, was very dear; it sold for 15 s. a yd. Silk fabrics were also expensive and were purchased by the ounce, costing from 10 d. to 1 s. an ounce. Green silk was cheaper than red. Silk, russet, taffeta, or buckram were used to line robes, and very coarse woollen stuff was used to stiffen

not only the cost of embroidering, the elaborate indenting or curving, ornamenting with waved lines, plying, winding or bending and seizable waste of cloth in vanity, but there is also costly furring in their gowns, so much punching of chisels to make holes, so much darning of shears; forthwith the superfluitie in the length of the foresaid gowns, trailing...in the mire,...as well of man as of woman, that all this trailing is verily as in effect wasted, consumed, threadbare, and rotten... rather than it is given to the poor."¹⁷¹ He also attacks "the horrible disordinate scantiness of clothing", the use of extremely short jackets and tight hose and speaks scathingly of the clergy who, he says, are no better than the laity in the matter of dress. He accuses them of wearing gay gowns of scarlet and green, ornamented with cutwork and of having long pikes on their shoes. "The monk," he declares, "is as proud as a prince in his dress, meat and drink, and especially such a one as wears a mitre and a ring, who is well-clothed in double worsted, and rides upon his courser like a knight, with his horses and his hounds, and has his hood

their collars. Between 1352 and 1398, the silk lining of a robe commonly cost £.1. 8 s. 1d. Cloth caps, in 1377, sold for 4 d. and 3 d., and in 1379 for 1 s. Serge was 2 3/4 d. a yd. in 1303 and 6 d. in 1360. Shoes cost ^{from} 5 d. to 7 d. and boots (in the latter half of the 14th century) from 2s 4 d. to 6 s. 8 d. In 1320 and 1358, gloves were sold at 2 d. a pair. The cost of making clothes was comparatively small. For making gaskins, the ordinary charge was 4 d., for a robe 1 s. and for a robe "with five garnishments and sleeves turned" 2 s. 10 d. (Fogers, Agriculture and Prices, vol. i, p. 378 ff.) See also E. Paley Baildon, "A wardrobe Account of 16-17 Richard II, 1391-94", in Archaeologia, vol. lxxii, part 2, p. 497 ff.)

171. J. S. P. Tatlock and Percy MacLure, The Complete Poetical Works of Geoffrey Chaucer, p. 304.

ornamented with jewels."¹⁷²

Even the poor begging friar was touched by the general voluptuousness of the reign of Richard II and converted the alms which he received into "a furred cote, cutted to the knee and quaintly buttoned, hose in hard weather fastened at the ankle, and buckled shoes".¹⁷³ The fashions from Italy and those imported by Queen Anne from bohemia infected the very servants, who wore absurd, long-toed shoes, called cracows and jokys, like those of their masters, and enormous sleeves, which the monk of Evesham tells us were often dipped into the broth when the attendants were waiting at table.¹⁷⁴ Another contemporary writer condemns the clothing worn by the maids of the period and says in part: "There is a custom now among serving-women of low estate, which is very common, namely to put fur upon the collars of their garments which hang down to the middle of their backs: they put fur also upon the bottom which falls down about their heels and is daubed with the filth...It were better to take the fur from their heels in the winter, and place it about the stomach, which has then the most need of warmth; and in the summer it were better away entirely, because it only serveth as a hiding-place for the fleas."¹⁷⁵

In short, Knighton's statement that "there was so much pride amongst the common peo^{le} in vying with one another in dress and ornaments that it was scarce possible to distinguish the poor from the rich, the servant from the master, or a priest from another man,"¹⁷⁶ seems to have

172. Quoted in Strutt, vol. ii, p. 159. For quotations from contemporary writers with regard to extravagance in dress, and references to various articles of attire found in their works, see Strutt, vol. ii, p. 116 ff. Ecclesiastics and persons of gravity did not affect sombre colors during this period, though the statutes of some of the monasteries prescribed russet or dark cloth. Green, white, red, and scarlet were all worn by the clergy. (Fogers, vol. i, p. 520 ff.)

173. Calthrop, vol. ii, p. 58

174. John Lebb, "A Translation of a French Metrical History of the Deposition of ^{King} Richard II," in *Archaeologia*, vol. xx, p. 101.

175. Quoted in Strutt, *Dress and Habits*, vol. ii, p. 122 ff.

176. Quoted in Ashdown, p. 113; and *Parliamentary History*, vol. i, p. 213-14. See also Henry Knighton, *Chronicon*, vol. ii, p. 288.

been entirely justified. Apparently, however, nothing was done during Richard's reign to remedy these conditions, unless we accept as true the statement made in the "Parliamentary History of England" to the effect that, in the Parliament which met at Cambridge on September 9, 1389, there were "several new statutes made for the Common Benefit of the people and others renewed, which had been enacted in the reign of Edward III". Among the latter was included one statute "about regulating apparel suitable to every man's distinct rank and quality."¹⁷⁷ These events are said to have taken place nine months before Richard II declared himself of age and took the reins of government into his own hands and at a time when Bishop Gilbert was treasurer and Arundel chancellor. The editor of the Parliamentary History apparently drew his information from Knighton's chronicle.¹⁷⁸ The latter does not state, however, which one of Edward III's statutes of apparel was re-enacted, nor does he mention any of the provisions of the law. Unfortunately the Roll, or official record,¹⁷⁹

177. Parliamentary History of England, vol. i, pp. 215-216. In the Political History of England, vol. iv, p. 114, the statement is also made that the legislation adopted by this Parliament "took shape in a sumptuary law".

178. See Knighton, Chronicon, vol. ii, p. 298. Knighton doesn't say in so many words that one of Edward's statutes of apparel was renewed. What he does say is that the magnates of the kingdom devoted themselves to finding some remedy for the prevalent extravagance in dress.

179. In the year 1388, two Parliaments were held. It is the Roll of the second of these, held at Cambridge during the twelfth year of Richard's reign, that has been lost. We know from other sources, however, that it sat for thirty-nine days and "passed 13 good acts". (Toulmin Smith, English Gilds, introd., p. xxiv.)

of the Parliament of 1388 has been lost, and it has consequently been found ^{impossible} up to the present to verify knighton's statement.

However, it seems certain that, whether a new law was passed or an old one re-enacted at this time, the sumptuary laws which had already been passed were not more strictly enforced nor more productive of any general reform than they had been in the previous reign. The writers of the period do not appear to have abated in the least their censures upon luxuries and superfluities of dress, ^{either} in ⁱⁿ this or the succeeding reign, nor do we find in their pages or in any of the court records to which we have had access any references to concrete cases in which these laws were enforced. Moreover, the fact that, as time went on, other sumptuary laws, very similar to the ones which have already been discussed, were passed one after the other in rather rapid succession, seems to furnish additional evidence that it was found impossible to execute the statutes of apparel. In short, as Calthrop says "in spite of the sumptuary laws" it was probably not at all unusual for persons ^{possessing} ~~owning~~ less than £ 20 a year to wear gold and silver orders, although expressly forbidden, and ^{for} ladies of a lower estate than wives of knights-banneret" to wear "cloth of gold and velvet and fowns that reached and trailed upon the ground, while their husbands braved it in ermine and marten-lined sleeves which swept the road".¹⁸⁰

The subject of "unlawful taxes" again engaged the attention of the English government in the reign of Richard II. In 1386, Parliament passed an act providing that servants in husbandry, laborers, etc. should

180. Calthrop, vol. ii, pp. 57-58. In the records of the few English towns which I have examined ~~carefully~~, London, Coventry, Lancaster, Colchester, Cinque Ports, Linchester and York I have found no trace of the passage of sumptuary ordinances by the town in the period of Edward III or of Richard II. Of course, some of the towns which I did not have time to examine may have adopted such ordinances.

use bows and arrows on Sundays and holidays and "leave all playing, at tennis, or foot-ball, and other games called coits, dice, casting of the stone, kailles (skittles) and other such importune games"¹⁸¹. This law, like the regulations adopted in the preceding reign, was evidently intended to encourage the practice of archery. It was one indication of a feeling that it was important to maintain the rural population, not only for agricultural, but also for military reasons. As time went on, the desire to advance the national power became the ruling ambition of the English kings. The games mentioned above interfered with military training, and so it was decreed that they must go, but it seems highly probable that the laws against games were not enforced any more strictly than were the sumptuary laws, since many similar acts were passed at later dates.

The statutes of a police character directed against maintenance and the practice of keeping hordes of retainers which had been enacted while Edward III was still alive had failed to effect their purpose. Private wars, riot and oppression continued. In 1377, in the first Parliament of Richard II, the Commons drew up a petition stating that "divers persons...make great maintenace of quarrels and retinues of people, as well of Esquires as of others, giving to them their liveries¹⁸²... to maintain them in quarrels",¹⁸³ and that the impoverishment caused by the wars of Edward III had compelled even squires to wear the liveries of their wealthier neighbors, and asking that a stop be put to the practice. The king's response was to the effect that there were statutes and ordinances already in existence for dealing with the mischief. He added

181. Stat. L., vol. ii, p. 302-12; Richard II, c. 6. Cunningham, vol. i, pp. 406, 407. This was the only law dealing with this subject which was passed during the reign of Richard II. See also, however, the regulations as to bows - their length, strength and who may use them - in this and the succeeding reigns.

182. Retainers usually received daily maintenance and occasional gratuities, as well as a hood and a suit of clothes annually.

183. Rot. Parl., vol. iii, n. 24.

that there was also the common law. Nevertheless, an act was passed directing that all previous statutes dealing with this subject should be "kept and duly executed" and forbidding the granting of hats or suits as livery "for maintenance of quarrels or other confederacies upon pain of imprisonment and grievous forfeiture to the king".¹⁸⁴ This act was known as a "statute of livery of hats" and was the first act directed primarily against the granting of liveries, those passed in the reign of Edward III having been concerned mainly with maintenance. The law of 1388 ordered the justices of assize to inquire into all offences of this class, and also into the assumption of liveries by fraternities and to punish every man according to his deserts. By another act passed in the same year, it was provided that the councillors of the king and all great men who should sustain quarrels by maintenance should be punished as the king and the lords of his realm should advise, while other less important officers and servants should lose their offices and be imprisoned.¹⁸⁵

These statutes (like the acts against gaming) do not seem to have been any more rigidly enforced than the sumptuary laws, since several others dealing also with liveries and maintenance had to be passed during the reign of Richard II. In 1383, an act¹⁸⁶ confirming all previous laws directed against maintenance was adopted, and six years later an ordinance¹⁸⁷ intended to prevent maintenance in judicial proceedings was issued, but seems to have been ineffective, judging from a petition presented by the Commons in 1389. Its ineffectiveness was due possibly to the fact that it lacked full statutory authority. In the same session of 1389, the Commons complained that cloth liveries were being given. An attempt was made to

184. Stat. L., vol. ii, p. 208 - 1 Richard II, c. 7. Selden Society, Select Cases in the Court of Star Chamber, vol. xvi, c. xvi ff. The earlier statutes did not hit the mischief, nor is it easy to see how the common law could be invoked unless there was an actual breach of the peace.

185. Stat. L., vol. ii, p. 208 ff. - 1 Richard II, c. 4. See also 1 Richard II, c. 9, p. 209-10.

suppress this practice by the issue of letters of privy seal to the lords and of writs to the sheriffs. The result of this step was that people took to wearing the liveries of fraternities instead of those of great lords as they had formerly done.¹⁸⁸

Three years later, in 1292, Parliament passed an act directing that "no yeoman no other of lower estate than an esquire from henceforth shall not use **nor** bear no livery, called of company, of any lord within the realm, if he be not venial and familiar, continually dwelling in the house of his said lord, and that the justices of peace shall have power to inquire of them which do to the contrary, and then to punish according to their discretion."¹⁸⁹

These same words, with very slight variations, were repeated in a law¹⁹⁰ enacted in the twentieth year of Richard's reign - a law which also confirmed the statute of liveries of hats which had been passed in 1277. None of the ~~acts~~ ^{statutes against maintenance} were strictly enforced while Richard was on the throne. The frequent petitions asking that the evils arising out of maintenance and the granting of liveries should be remedied and the large number of acts passed prove that they were ineffective. How could it be otherwise, when the offence was tried before a country jury, frequently in sympathy with the practice, from which they derived the advantage of the protection of some powerful lord, and with the offender their patron and neighbor? Even if the jury had no leaning towards the offender, it might well be the case that he was so powerful and had such a large number of retainers that the local officials were afraid to execute the law against him.¹⁹¹

188. Ibid., p. 271 - 7 Richard II, c. 15.

187. Ibid., p. 2-3 ff. - 12 Richard II, st. 1.

188. Selden Society, Select Cases in the Star Chamber, vol. xvi, pp. xcvi-xcvii.

189. Stat. L., vol. ii, p. 250 - 16 Richard II, c. 4.

190. Ibid., p. 287 ff. - 20 Richard II, c. 1, 2. See also Stat. Parl., vol. iii, p. 245.

191. Reeves, History of the English Law, vol. iii, p. 250 note. See also Selden Society, Star Chamber Cases, vol. xvi, pp. lxx-lxxvi.

Many suits are recorded in the court records and year-books of this period which directly or indirectly involved the question of maintenance. Owing to lack of space, we shall cite only one of these, the case of *Esturmy v. Courtenay* which came up before the king's council in 1392. The Earl of Devonshire was tried by the council for maintaining one Robert Yeo, his servant, who had instigated the murder of William Wyke, a tenant of the Earl of Huntingdon. This was clearly a case of maintenance under the statutes 20 Edward III, c. 4 and 1 Richard II, c. 7. There had also been an attempt made by the Earl of Devonshire to corrupt the jury. The council condemned the earl to prison until he should pay a fine and ransom, but commended him to the king's mercy. The king granted him a full pardon for his crimes. "With such tolerance and leniency, it is not strange that the statutes of livery and maintenance for the next century were not enforced", though if they had been enforced at the start, the country might have been spared the civil wars which ravaged it for so many years.¹⁹²

The custom of fixing prices by law, which, as has been seen, was practiced in earlier times, was continued in the reign of Richard II. To a great extent, the laws already in existence were enforced and confirmed and but few new provisions were adopted. In the thirteenth year of this reign, the sheriffs, stewards of lords of franchises, mayors and bailiffs "and all other that have assize of bread and ale to keep in correction of the same"¹⁹³ were directed not to accept fines as penalties for offences in place of bodily punishments. The price of wine was fixed by 5 Richard II, st. 1, c. 4 and 6 Richard II, st. 1, c. 7, as follows:

192. Selden Society, *Select Cases Before the King's Council (1247-1482)* vol. xxxvi, pp. ci-cii. Also Reeves, vol. iii, p. 752 note.

193. Stat. L., vol. ii, p. 317 ff. - 13 Richard II, st. 1, c. 8. See also 15 Richard II, c. 4, pp. 341-342.

"a tun of the best wine of Gascoine, of Usey, or of Spain, 100 s. and other tuns of common wines of the same countries for less price according to the value", etc.¹⁹⁴ Upon the refusal of a merchant to sell, certain officials designated in the act ~~to~~ ^{might} deliver the wines to the buyer at the prices set. According to the first statute mentioned, sweet wines might not be retailed, but this provision was subsequently repealed.

Numerous statutes directed against forestallers, engrossers, and regrators¹⁹⁵ were passed during this and the preceding reigns. It will suffice to mention the act of 1378, which confirmed a statute of Edward III directed against forestallers "of wines, victuals, wares and merchandises,

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194. Stat. of Realm, vol. ii, pp. 18-19; Stat. L., vol. ii, p. 238-239, 256 - 5 Richard II, st. 1, c. 4, and 6 Richard II, st. 1, c. 7. For other statutes dealing with wines passed in this reign and in that of Edward III, see 4 Edward III, c. 12 (Stat. L., vol. i, p. 475 ff.); 2 Richard II, st. 1, c. 1; altered by 11 Richard II, c. 7; also 7 Richard II, c. 11 (Ibid., vol. ii, pp. 215 ff; 238, 290 ff.) In connection with wines, statutes regulating inns and taverns are also mentioned. Blackstone says that, according to the common law, inns may be indicted, suppressed, etc. if they refuse to entertain a traveller without a very sufficient cause; and, in spite of the government's attempts to check drunkenness, any effort on the part of the sellers to curtail the amount of liquor due to customers was regarded by the latter as a most heinous offence. (Blackstone, Book 4, vol. ii, p. 126 ff.; Ashdown, p. 168.)
195. A forestaller was a man who bought or contracted for merchandise on its way to market, with the intention of selling it again at a higher price, or who dissuaded persons from bringing their goods to market, etc., thus anticipating or preventing normal trading. An engrosser was one who purchased either the whole or large quantities of commodities, so as to control the market and make a monopoly profit. A regrator bought commodities in large quantities with the intention of reselling them, in or near the same place at a profit.

which came to the good towns within the realm by land or by water".¹¹⁶

Although this and similar acts are closely connected with the price-fixing statutes, inasmuch as they, too, were intended to prevent profiteering and as they, too, exemplified the mediaeval attitude with regard to the regulation of the life of the private citizen, it is impossible to go into them here, as to do so might take us ^{too} far from our subject.

196. Stat. L., vol. ii, p. 220 - 2 Richard II, st. 1, c. 2. A good many statutes against forestallers, etc. had been passed previous to this time, and beginning with the reign of Henry III. See Statute of the Millory and Tumbrel, 51 Henry III, st. 6, paragraph 3, Stat. L., vol. i, p. 47 ff.; Stat. Incert. Tero., c. 10, pp. 393-394; 25 Edward III, st. 4, c. 2, 3, vol. ii, p. 48 ff.; 27 Edward III, st. 1, c. 5, p. 77; 27 Edward III, st. 2, c. 11, p. 86; 28 Edward III, c. 13, paragraph 1, p. 106, partially repealed by 37 Edward III, c. 18, p. 167.

For the fixing of wages, regulation of hours of labor, etc. by law during this reign, see 12 Richard II, c. 1, 4, 5, c. 7, 39; Petitions of Commons in Parl. Parl., vol. iii, pp. 17, 20; Selden Society, Select Cases in Chancery, vol. x, pp. 1-7; Blackstone, Book I, vol. 1, p. 336, and, in general, index of Stat. L. under "Statutes of Laborers." Also Reeves, vol. v, p. 18 ff.; vol. iii, pp. 128, 365, 415.

Chapter II

The Lancastrian Period.

The Lancastrian period saw the trial and failure of a great constitutional experiment. One feature of this experiment was an advance in the recognized position of Parliament. Freedom of speech was boldly claimed and exercised. In 1407, the commons secured the exclusive right of initiating money grants. By deferring their grants till the ^{latter part} of the session, they ~~ensured~~ ^{made sure} that redress of grievances should precede supply.. It was agreed that their petitions should be turned into statutes without alteration, and this led to the use of "bills", or petitions drafted in statute form. This change affected the form in which the petitions with regard to dress were presented.

Of the three Lancastrian sovereigns, Henry IV endeavored to encourage commerce and keep up the English navy, while Henry V, who took a warm interest in all that pertained to navigation and commerce, let slip no opportunity for increasing and improving his fleet and did his best to suppress piracy. Henry VI, however, neglected his navy and his seamen and disgusted the merchants by his lawless treatment of them. His naval and commercial policy led to tumults in the great commercial and shipping centers, and was the chief cause of his downfall, inasmuch as it alienated the fleet and made it easy for the Yorkists to corrupt part of the navy and to vanquish the rest. The Yorkists, on their part, followed exactly the opposite plan. They showed distrust of strangers, and they cherished English seamen.¹

1. For a complete description of conditions in England during the Lancastrian period, see Traill, *Social England*, vol. ii, chap. vii, passim. See also what is said in Chapter III of this study about conditions in the fifteenth century as a whole. In literature, Chaucer continued to be the sole source of inspiration for the poets, prominent among whom were Thomas Occleve and John Lydgate.

In the realm of agriculture the fifteenth century was a period of slow evolution, during which a sort of calmfulness settled over the country districts. In dealing with the agricultural classes, the evidence has been found to be very scanty and contradictory, but a number of facts seem to prove that a certain amount of prosperity must have marked most years of the century, even though the ~~poorer classes~~ ^{poorer people} may not always have enjoyed an enviable existence. One such fact is the prosperity of the upper classes, whose wealth was in nearly every case derived from the profits of successful agriculture. The wealth and ostentation of the great nobles of the time is shown by the large troops of retainers which they maintained. For instance, six hundred liveried servants followed the Earl of Warwick to Parliament, while no fewer than two hundred and ninety formed, in 1448, the retinue of a much less important personage, the deputy-steward of Kendal in Westmoreland. Such practices necessitated the passage of new statutes directed against livery and maintenance. These laws incidentally testify to the prosperity of the gentlemen who could maintain such state and who could not have supported this magnificence without a prosperous tenantry.

Another evidence of the general prosperity of England during the Lancastrian period may be found in the luxury and extravagance (not as great, it is true, as that which had prevailed in the reign of Richard II) which manifested itself at court functions and entertainments, at tournaments and at the banquets, consisting of many and elaborate courses, which followed these jousts.² The gross extravagance which had prevailed in the preceding reign in regard to dress and which had been exemplified ~~by~~ ⁱⁿ the case of Sir John Arundell, who, in 1480, was drowned off the coast of

2. For the menus of several royal feasts, see Traill, vol. iii, p. 432 ff.

Brittany and who is said to have possessed fifty-two suits of cloth of gold, was not reproduced in the reigns of Henry IV and V. During these reigns, men's dress was much quieter than it had been during that of Richard II or was to be during that of Henry VI, when extravagance again ruled. However, fantastic styles still prevailed to some extent.

The Prince of Wales wore a very curious costume in 1412, when he went to visit his father, Henry IV. It was made of blue satin, full of small eyelet holes, and at every hole hung the needle with which it had been sewn.

Similar extravagances, as well as the failure to enforce the sumptuary laws of Edward III, caused Parliament again to attempt to regulate apparel, and drew forth complaints from many of the writers of the period.

Thomas Cooleve, writing about this time, said that it was an evil "to see one walking in gownes of scarlet twelve yards wide, with sleeves reaching to the ground and lined with fur...; at the same time if he had only been master of what he uail for, he would not have had enough to have lined a hood". He condemned the lower classes of people for imitating the fashions and extravagances of the rich. "Now", he declares, "we have little need of brooms in the land to sweep away the filth from the street, because the side-sleeves of pennyless grooms will gather it up." In another passage he asks: "If the master should stumble as he walks, how can his servant afford him any assistance, while both his hands have full employment in holding up the long sleeves with which his arms are encumber'd?"³

As far^{as} the styles in dress were concerned, few changes were introduced during the reign of Henry IV. The only innovation in royal attire

3. Dialogus inter Oocliiff et Medicum in Harleian Ms. 4826; quoted in Strutt, Dress and Habits, vol. ii, pp. 148-149. For a brief discussion of the English sumptuary laws and of comments by contemporary writers on the subject of extravagant dress, etc., see Strutt, vol. ii, chaps. ii and iii particularly.

was a cape or ermine, reaching to the girdle, which became the mark of dress for royalty, and in a much shorter form, for all superior officers of state. Over it or under it, as the case might be, was generally worn a cloak or mantle, so long that it trailed on the ground around the feet. The upper classes still wore the houppelande which had been so popular in the reign of Richard II. The extremely high collar (sometimes reaching to the top of the head) and the gyozière were preserved, but the belt was now placed around the waist instead of around the hips. Now, as before, social status, rank and age, were indicated by the greater length of the garments worn. The greatest innovation, which was introduced about 1400, and which remained in fashion for twenty or more years, was the bag-sleeve, which was buttoned at the wrist and tight at the armhole, but the rest of which was made as long and ^{as} voluminous as possible. The high collar of the houppelande was sometimes left unbuttoned and allowed to fall on the shoulders. The almost universal color for houppelandes was scarlet, and they were sometimes lined with fur or worn with a cloak over them. Underneath the houppelande, civilians occasionally wore paltocks, which were only visible at the neck or where the tight sleeves of the latter, reaching to the knuckles, showed beneath the sleeves of the houppelande. The costume of the peasant generally consisted of a loose tunic, or an old-fashioned cote-hardie, a hood⁴, and a wide-brimmed straw hat.

A profusion of ornament characterized the dress of the male sex about the year 1400. Fancy collars, highly decorated belts, many rings,

4. The lower orders often twisted the linings of their hoods around the crowns of their heads and propped them behind. Padded hoods - padded around the face - also were worn during this period. (Ashdown, pp. 141-144). The dresses worn by legal officials changed very little. Innovations in these were introduced only at long intervals.

and ornamental designs or ornaments, all were worn. The English people had become so imbued with the love of dress and so imbued in the passion for ostentation and display that we find the reigns of both Henry IV and his son but little different in this respect from the preceding reign. This was a transition period in which the chief extravagances and riotous excesses were undergoing modifications. The diatribes of ecclesiastics and contemporary satirists were especially directed against garments of the daggged or slashed variety and "those possessing such fanciful devices as edges cut in the form of letters, rose-leaves, and posies of various kinds".⁵

Women's dress underwent almost as few changes during the reign of Henry IV as did that of men. The super-cote-hardie costume ran side by side with the houppelande as an outer garment for ladies until the reign of Richard III. The houppelande, as worn by women, was generally high-necked, like that of the men, and fastened down the front for a short distance with large buttons. The sleeves were usually of the bag pattern,⁶ edged with fur at the wrist. The hands were partially covered by the button-ornamented sleeves of the cote-hardie, or of the tunic, worn underneath the houppelande. The collar of the houppelande was often turned down, and the houppelande itself was occasionally confined at the waist by a belt. The waist line was always high, foreshadowing the short-waisted gown of the later fifteenth century. The bodices of women's

5. Ashdown, pp. 137-138. The reference to letters is explained by the fact that short sentences, mottoes and initials were commonly worked on the borders of garments.

6. In one brass found in an old church, the sleeves were not of the bag variety, but were lined with some dark material and had pendant lawn cuffs. (Ashdown, pp. 145-147). For a description of a cote-hardie costume, as worn by Joan of Navarre, Queen of Henry IV, see *ibid.*, pp. 144-145.

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dresses were in some cases laced down the front. The dress of country women usually consisted of an ill-fitting gown, a hood and ^{the} cloak.⁷

^{That} article of female attire which underwent most change during the period from the reign of Richard II to that of Richard III was probably the headdress. The crespine and veil headdress still continued to be fashionable in the reign of Henry IV. About 1400, the veil became a very important article of dress, covering not only the back of the head, but at times hanging down on either side of the face, and even partially covering the reticulated crespine in the period from 1400-1420. The veil was now beginning to be pleated across the forehead, a fashion which lasted for twenty years. Later the square crespine came in and only the cauls were permitted to emerge from under the veil. The cauls themselves remained as large as before. In the period of Henry IV, they

7. The ^{foregoing} account of the costume of the reign of Henry IV is taken from Ash-down, p. 138 ff.; Calthrop, vol. ii, p. 72 ff.; and Clinch, p. 50 ff. The garments of the 15th century, like those of the 14th, were often made of sumptuous materials. Important information as to clothing, and especially as to materials and colors, may be found in 15th century wills. Individual pieces are often referred to, and a clear indication is given of the great value placed on them. For requests of clothing, see Clinch, p. 50 ff.

As to the prices of articles of clothing and of materials for making clothes during the fifteenth century, we know that, in 1418, a beaver hat cost 2 s. 10 d.; in 1432, a beaver hat with marten skins 12 s.; and, in 1437, a mayor's hat 10 s. 2 d. In 1474, five yards of tarteren to line a mayor's hat cost 10 d. The average price of frieze (a material not mentioned before 1471) was nearly 8 d. a yard up to 1540. The average price of fustian (which seems to have been a ribbed cloth) was 10 d. before 1540. Camelot (generally red) was 4 s. a yard in 1481. Velvet (1401-1582) was used by the king, the royal family, the great nobles and the church. In 1474, it was priced at 26 s. 8 d. In 1481, cloth of gold was 80 s. a yard. Blue satin was 9 s. a yard in 1441, and red satin 9 s. in 1487. Damask was 8 s. in 1463. Crimson sarsenet cost 4 s. 4 d. in 1464. (See Rogers, History of Agriculture and Prices, vol. iii, pp. 484 ff., 575, 577; vol. iv, p. 567 ff.)

were beginning to show an upward tendency. From this sprang the heart-shaped headdress, which, rising higher and more pointedly on each side, finally passed, in Henry V's reign, the completely horned headdress.⁸ The high steeple headdress, which became so fashionable a little later on, was more worn by the French than by the English ladies, though sometimes used by the latter. A religious writer of the fifteenth century, declaiming against the various adornments of the hair, such as coloring it and twisting it into unnatural shapes, says: "To all these absurdities, they add that of supplying the defects of their own hair, by partially or totally adopting the harvest of other heads." Evidently, even with the elaborate headdresses described above, some ladies considered it necessary to enhance their charms by means of false hair.

A very good brief description of the costume of the period of Henry IV may be found in William Staunton's "Visions of Purgatory", written about 1409. "I saw some there", he says, "with collars of gold about their necks, and some of silver, and some men I saw with gay girdles of silver and gold..., some with more jaggas on their clothes than whole cloth, some had their clothes full of gingles and belles of silver all overset, and

8. The horned headdress was not used before the beginning of the fifteenth century. A fourteenth-century writer who referred to the "elevated horns" of the ladies was evidently alluding to the projections of the wimple at each side of the face. (Strutt, *Dress and Habits*, vol. ii, pp. 128-129.) References to caulz may be found in "The Romance of King Alexander": "Hire volowe heer was faire atyred
With ryche stringes of golde wyred";
and in Chaucer's prologue to the legend of "Goode Women", where he says: "A fret of golde she had next her heere". (*Archaeologia*, vol. xxvii, pp. 31, 34.)

some with long pokes on their sleeves; the women with crowns trailing behind them a great space, and some others with gay chapellets on their heads of gold and pearls and other precious stones."⁹

In spite of the fact that ^alove of ^afine clothing and ^apassion for ostentation and display had become so general among the English people, with the accession of Henry IV ^afeeling towards dress totally different from that which had prevailed in the preceding reign had begun to develop in high quarters. There was no longer any sympathy with the fantastical extravagance of the period of Richard II. One is not surprised, therefore, to find that a petition dealing with apparel and purporting to have originated in the House of Commons (though possibly inspired by the executive department of the government) was presented to the crown in 1402, during the session of that Parliament which met at Westminster on Saturday, September 30. In this petition, the Commons asked that an ordinance should be drawn up during that session of Parliament, providing that no one, except

9. Fox MS. 17 P. xliii, quoted in Ashdown, p. 139-140. For pictures of the costumes worn during the reign of Henry IV, see Clinch, op. cit. p. 54, p. 55, opp. p. 58, opp. p. 60, opp. p. 66; Strutt, Dress and Habits, vol. ii (15th century), plates 106-115, 117, 119-125 (head-dresses - 125); (15th and 16th centuries) plates 126-132. See also Ashdown, pp. 142 and opp. p. 142, next to 145, and 147, opp. p. 144, 146, 147, 148, 149, 150, 151. Calhoun, vol. ii, opp. p. 72, 73, 74, 75, 76, 77, 78, 79; Martin, plates 21, 22; and Green, vol. ii, pp. 510-11, 512. For clerical and collegiate costumes in the 15th century, see Archaeologia, part 1, vol. liii, p. 220 ff. See plates 14, 15, 16, 17. For pictures of women's head-dresses, from 1400 on, see *ibid.*, vol. xxvii, plates 3, 4, 5, 6, 7, 8. For pictures of boots and shoes, see Clinch, op. cit. 153, 154; cote-hardie, p. 137; gloves, opp. p. 14; ladies' head-dresses, p. 148, 150 and opp. p. 150, 151, opp. p. 152, 153, 154, 155, 156, 157; turban hat, p. 152; rattle opp. p. 158, 159; widow's weeds, p. 160, 161.

bannerets and persons of higher rank than bannerets, should use cloth of gold, velvet, crimson cloth,¹⁰ cloth of velvet, "motley",¹¹ great hanging sleeves, long gowns which touched the ground ^{of} ermine, letuse or marten fur. Soldiers, when in fighting array, were to be exempted from the operation of this rule and might wear what they pleased. The Commons also asked that no member of the clergy should be allowed to wear great hoods, either furred or lined, extending beyond the points of the shoulders, except archbishops, bishops, archdeacons and a few others high in church or state. The clergy, with the exception of those just mentioned, were also to be forbidden to wear miniver and other expensive furs, as well as any kind of gilded harness.¹² Squires were not to be allowed to deck themselves in costly furs, "except the Mayors who are, have been, or for the time shall be in the cities of London and York or in the town of Bristol."¹³ Servants (yeomen) were to be permitted to wear only lamb, cony, otter and similar furs; while no one might presume to wear daggers, horns, harness, etc. of silver unless he had lands, tenements or rents to the value of £ 20 a year, or goods and chattels to the value of £ 200, the children of people having lands or tenements "in inheritance"¹⁴ to the value of 50 Marks a year, or goods and chattels to the value of £ 500, alone excepted. The wives of squires, unless they were ladies, might

10. Probably because crimson was considered a royal color and therefore reserved for the use of the king and the royal family.

11. "Draps de velvet motley" (Rot. Parl., vol. iii, p. 506)

12. "Hernois" (Ibid). As regards the prohibition of large hoods, we find that among the extravagant clothing complained of by Chaucer, Occleve and others, there was nothing more remarkable than the enormous length of the tippets on the hoods. This clause therefore was a proper restriction on the lower clergy. (Strutt, Dress and Habits, vol. ii, p.107)

13. Rot. Parl., v. iii, p. 506.

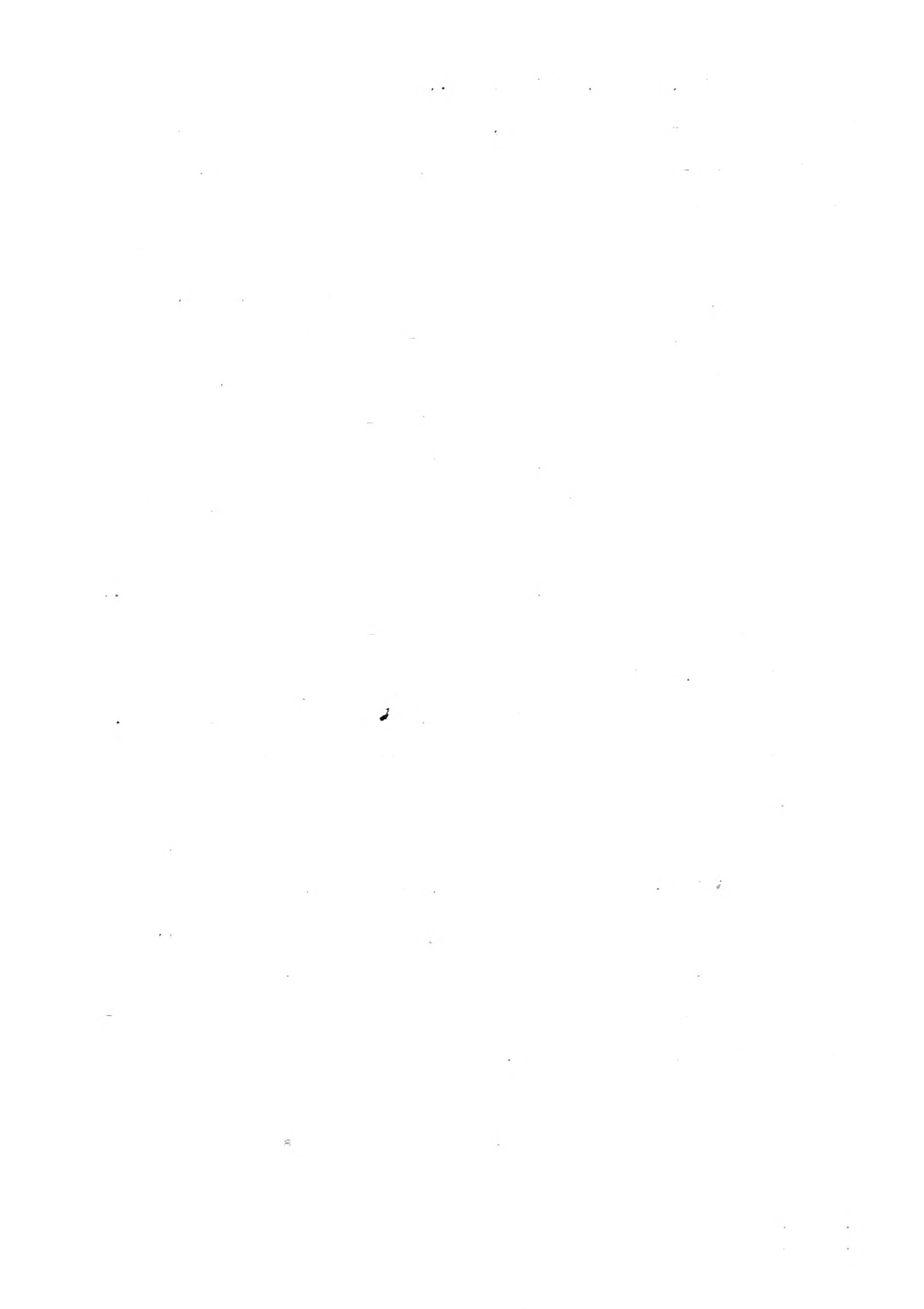
14. "En (or ou) enheritance" (Ibid.)

not use any ermine, letuse, miniver, etc., with the exception of the wives of the above-mentioned mayors, the gentlewomen of the queen, and the chief lady-in-waiting of each princess, duchess or countess. The petition ended with a request that a method there outlined of enforcing the statutes of apparel through the agency of the judicial and executive organs of the government should be put into effect - namely, that, as often as necessary, inquiry should be made - in the king's palace before the sereneschal, in the country before the justices of the peace, and in the cities and towns before the mayor and bailiffs - as to those who ^{had} broken the laws with regard to apparel. Suit might be brought against these offenders either in the king's name or by a private individual, and if anyone should be convicted of having broken the law he should forfeit to the king the forbidden cloth, fur, or harness and pay a fine of 100 s., of which one-half should go to the king and one-half to the person who should bring suit. This method of enforcing the statutes of apparel seems to have been worked out for the first time, in all its details, in 1402.

The petition did not apparently meet with the entire approval of the king. He replied that he wished all the estates of his realm to "govern themselves in their array each one according to his degree, laying aside superfluities".¹⁵ He also desired, so he said, that the members of his council should be empowered by parliament to make ordinances, after due deliberation, with regard to the subject of apparel.¹⁶ Whether this power was granted to the council by Parliament and whether any such ordinances were issued, we do not know. The writer has not been able to find any information on that subject. However, to make a law and to enforce it are two totally different things, and the regulation of the people's

15. Ibid.

16. Ibid.



dress by ordinances issued by the royal council was probably not more satisfactory than its regulation by statutes enacted by Parliament.

At any rate, the arrangement proposed by the king does not seem to have proved acceptable to the House of Commons, for a few years later (in 1406) they drew up another petition very similar to the one just discussed. On Monday, March 1 of that year, in the Painted Chamber at Westminster, there assembled for the first time the Parliament which was to be the longest and most continuous of Henry's reign. It sat for one hundred and fifty-eight business days - until December 22nd, in fact - with breaks for the Easter and midsummer vacations. The chancellor at this time was Thomas Langley, Dean of York. Bishop Beaufort had resigned the seals when he had been translated to Winchester in the preceding year. Since 1403, a year crowded with desperate domestic treason, civil war and passages of arms with the French and Welsh, the year also in which occurred Northumberland's unsuccessful rising, as the result of which he was exiled and Crope beheaded, the king's relations with Archbishop Arundel had been far less cordial than before. However, when Parliament re-assembled in May after the Easter vacation, ^{it} ~~they~~ found the King disabled by disease. A fortnight later Henry became so ill that he made over to the Council the greater part of his functions, only reserving to himself the right to pardon and to fill vacant offices. The Commons had now to deal with the Council, of which Archbishop Arundel was the senior member. Parliament went over the same old round of grievances, asking for more "good governance abounding".¹⁷ The Council was disposed to haggle over a good many of the petitions. However, when the legislative body met for its third session on October 18, the king was forced to give a reluctant consent to a great scheme of constitutional reform, which required, among

17. Political History of England, vol. iv, p. 201-204.

other things, that notice of elections should be published at least fifteen days before the day of the returns, in order to prevent the locking of Parliament by the sheriffs.¹⁸ This regulation was adopted too late to ~~apply to~~ ^{apply to} the Parliament of 1406, which one may therefore suppose to have been ~~subject~~ ^{subject} to some extent ~~to~~ ^{to} executive influences (since the sheriffs, in calling the House of Commons, acted in the interests of the crown.) Judging, however, from the tone of the petition concerning apparel adopted in that year and of the royal answer to it, one may say that this measure, at least, does not seem to have been much affected by such influences.

The petition of 1406 began almost exactly as had the one presented in 1402: "The commons pray that it may please [the king] to ordain by statute in this present Parliament, that no bar, if he is not a banneret, or of greater estate, shall use cloth of gold", etc. as in the petition already discussed. As before, "people of arms",¹⁹ when they were armed and in the field, were to be permitted to use clothing of whatever sort they pleased. The provisions concerning the clergy were the same as in the earlier petition, except that they were extended to cover other grand officers and clerks having offices in the courts of the king, and that the justices of both benches and the sergeants of the king were given permission "to use their hoods as shall seem best to them for the honor of the king and of their estate".²⁰ Chaplains²¹ were to be forbidden to use belts, or other "harness"²² trimmed with silver. Apprentices at the law, clerks of the Exchequer, or of other courts, and one or two other classes of people were now, together with squires, prohibited from wearing expensive furs, etc. They were also forbidden to use precious stones or pearls,

18. See *ibid.*, p. 132 ff., for a full account of this Parliament and of the political events of the time.

19. "Gentz d'armes" (*Parl. Hist.*, vol. iii, p. 593.)

20. *Ibid.*

21. The petition says: "Nul chapelain n'ait auzeez" (*Ibid.*)

22. *Ibid.*

ouches²³ or beads or other "harness" or gold or gilded, at the corners of London, York, and other pool cities might wear fur of gray, miniver, etc. No man, no matter what his rank, might wear any gown or other garment ornamented with trimming cut in shapes like trefoils, roses or similar devices. All tailors were to be forbidden to make any such clothing, on pain of imprisonment and payment of a fine and ransom at the will of the king. Spurs were added to the list of prohibited articles made of silver. The provisions as to women's dress were exactly the same as in the earlier document. Yeomen were not to be allowed to wear ouches or beads ^{made} of gold or gilded. In order that all the articles contained in this petition should be put into due execution and enforced as well as possible, the Commons again proposed the ~~same~~ method of enforcement which they had previously recommended, only adding the Chancellor and Treasurer of England, the justices of both benches and the sheriffs of the counties to the list of those who should make "diligent inquisition of all those"²⁴ ~~breaking~~ ^{who were breaking} the law or any article of it. These offenders, whether men or women, if convicted, must forfeit the prohibited articles and pay a fine of 100 s. to be divided as stated in the earlier petition. At the end of the petition of 1406, one new provision is found, to the effect that ~~all~~ ^{all} ~~archbishops~~ and bishops, in their provinces and dioceses within the realm of England, should be required "openly to excommunicate"²⁵ all those breaking the statutes of apparel. Evidently the secular government felt itself unable to enforce these statutes and was ready to call upon the church for aid.

23. A socket or bezel holding a precious stone, hence a jewel or ornament.

24. Ibid.

25. "Overtement excoorenger" (Ibid.)

The king's answer, as in 1402, was unfavorable. He rejected the petition, but said that, with the advice of his council, he would draw up such an ordinance as should seem best to him under the circumstances. He seems to have been unwilling to relinquish to Parliament the power to regulate apparel. Whether he kept his word and issued an ordinance, and, if so, whether this ordinance was ever enforced, there is no evidence to show. Neither the contemporary writers nor the court reports have any more to say on the subject than they had had in the preceding reigns.

In the first year of Henry IV's reign the question of maintenance and the granting of liveries again engaged the attention of Parliament; and, in accordance with a petition presented by the House of Commons, a statute "to eschew maintenance and to nourish love, peace and quietness, of all parts through the realm"²⁶ was passed. This law "ordained and established" among other things "that no lord of what estate or condition soever he be shall use nor ordain any livery of sign of company, to no knight, esquire nor veoman...saving always that our sovereign lord the king shall give only his honorable livery to his lords temporal, whom shall please him",²⁷ and to his knights and squires menial and ^{to} those who were of his retinue. However, these knights and squires were not to wear their liveries anywhere except in the king's presence, under pain of forfeiting their liveries and the fees which they received from the king. Anyone other than the king who should be found guilty of granting liveries should be subject to fine and ransom. Ecclesiastical officials of all ranks were also forbidden to grant liveries of cloth to anyone, except to their menial servants and officers and to a few other persons who are named in the statute, under pain of a similar punishment.

26. Stat. 1., vol. ii, p. 391; Fort. Parl., vol. iii, p. 427 - i Henry IV, c. 7
27. Ibid.

About a year later, in 1400-01, the Commons drew up a petition asking that a remedy should be provided for "liveries called signs and liveries of cloth, by advice of Parliament"²⁸: namely, that the use of all kinds of liveries and signs should be entirely forbidden, but that certain specifically named persons might be allowed to wear the livery of the king, etc. A law was passed, embodying the terms of this petition, confirming the act of 1399, and adding a few additional provisions, calculated to bring about a stricter enforcement of the law. Two petitions similar to the one just mentioned were drawn up and two other statutes resembling the two already alluded to were enacted by Parliament during the reign of Henry IV,²⁹ but, judging by the large number of later acts dealing with the same subject, they must have had very little effect. These laws, like those passed in preceding reigns, relied upon the justices of assize and of the peace for their enforcement. The weakness of the central government, even though feudalism was swiftly falling into the discard, was still sufficient to prevent it from enforcing the laws which would have given it strength by breaking the power of the feudal lords. One example of the laxity with which the laws against maintenance were enforced may be found in the case of the Earl of Northumberland who, on the 18th of February, 1404, came into Parliament and publicly acknowledged that he had acted against his allegiance, "namely, for gathering of forces and giving liveries, for which he craved pardon".³⁰ The king delivered his petition to the judges to be considered by them, but the Lords protested "that the ordering thereof belonged to

28. Pct. Parl, vol. iii, p. 477 ff.; Stat. L., vol. ii, p. 420 ff. - 2 Henry IV, c. 21.

29. See 7 and 8 Henry IV, c. 14, Pct. Parl, vol. iii, p. 600, and Stat. L., vol. ii, p. 469 ff. Also 13 Henry IV, c. 3, Stat. L., vol. ii, p. 467 ff., and Pct. Parl. vol. iii, p. 662. A law directed against forcible entry by maintenance was ^{also} passed - 4 Henry IV, c. 8, Stat. L. vol. ii, p. 429 ff.

30. Parliamentary History of England, vol. i, pp. 290-291.

themselves"³¹ and adjudged that the earl's crime was simply a trespass
feasible to the king. The earl was then required to swear that he would
be a true liegeman to the king. When he had taken this oath, the king
remitted his fine and ransom. What was the use of passing laws to
correct an evil which kept the country in an almost perpetual state of
civil war when the chief offenders, the great lords, were consistently
pardoned? The reason for this lenity is obvious; the government was too
much afraid of them to attempt seriously to punish them.

Only one law regulating the playing of games was passed during the
period of Henry IV. That act, which became a law in 1409, confirmed the
statute of 12 Richard II, c. 6, directed that every servant or laborer
who did not abide by it should be imprisoned for six days, gave power to
the mayors, sheriffs, bailiffs, constables, and justices of assize to
enforce it, and imposed a fine upon these officials for failure to do so.³²

No new statutes regulating the prices at which bread and ale should
be sold were ~~passed~~ ^{enacted} while Henry IV was on the throne, nor were the prices
of wines again fixed by act of Parliament. That efforts were still made
to enforce the old price-fixing laws, however, was shown by the fact that
a charter conferred by that monarch upon London granted to the mayor and
commonalty of the city power to enforce the assize ³³ of bread, beer, ale,
victuals,³⁴ or other things saleable in the city. Similar duties devolved

31. Ibid.

32. 11 Henry IV, c. 4 - Stat. L., vol. ii, p. 481 ff.

33. The charter grants to the mayor and commonalty of London "the assize of
bread, beer," etc. I take this to mean power to enforce the assize, or
supervision over the enforcement of the assize. For instances of the
enforcement of the assizes of bread, beer, wine, etc. in London as well
as the fixing of prices by guilds see Traill, vol. ii, p. 430-437, and David

34. Food was very abundant and cheap in the early fifteenth century - especially
from 1414 on - and was often thrown in with the wages of workmen. The
cost of a workman's maintenance was generally estimated at from 6 d. to
8 d. a day. (See Rogers, Six Centuries of Work and Wages, p. 226, and
History of Agriculture and Prices, vol. iv, p. 752.)

Thug
An
Epitome
of the
Privileges of
London, p. 154.

upon the municipal officers of Manchester and were imposed by the charters of several other towns upon their officials.

In 1413, Henry IV died and was succeeded by his son, who took the title of Henry V. The latter, supposed in his youth to have been the wild Prince Hal whom Shakespeare has portrayed for us, had nevertheless had some experience in public affairs while he was still Prince of Wales. For some years before his death, his father had been almost an invalid suffering from a complication of diseases. The party led by the Prince of Wales and his half-uncles, the Beauforts, had striven against the party led by Archbishop Arundel and Thomas, the king's second son, for dominance in the royal council. The king let them strive since there was no great difference between the constitutional views of the two factions. First one and then the other was in control of the council and held the higher offices. In 1411, however, when the Prince of Wales had become discontented at his father's persistent clinging to the ~~royal~~ crown, in spite of the fact that sickness made him less and less able to discharge his royal duties, and when Bishop Beaufort had formally proposed to Henry IV that he should abdicate on account of his infirmity, the king had not only refused but had dismissed the prince and his friends from places of ministerial responsibility.³⁵ When Henry V came to the throne³⁶ he restored his

35. Political History of England, vol. iv, p. 214 ff.

36. In connection with the coronation of Henry V, see a petition dated May 12, 1413, drawn up by "John Dalton, clerk to Thomas Carnita, late guardian of the Grand Wardrobe" and asking for an allowance for clothes delivered by him for the king's coronation; namely, cloth, etc. delivered to the king and to various lords, chevaliers, clerks, squires, etc. for clothing for the coronation; "to other knights and squires...for their clothing to have of your gift; together with the livery of Saint George delivered to the knights and dames of the fraternity of St. George..." (See Fymer, *Foedera*, vol. ix, pp. 2-3.) Apparently the kings of England were in the habit of giving to some of their followers clothing to be worn at the coronation ceremonies. They thus had a way of controlling, if they so pleased, the kind of clothing and fabrics which should be worn at their coronations, but it is hardly likely that they tried to suppress extravagance in dress at such a time.



friends to positions of power and made Beaufort chancellor again.

The reign of Henry V was a transitional period as far as clothes were concerned. Since very little was done to regulate dress during that reign, it is only necessary to mention briefly a few of the styles which were worn and in which we find the ragged ends of the fashions of the time of Richard II and Henry IV and the germs of some new fashions which ~~showed themselves~~ ^{developed} definitely in Henry VI's time. The fashionable gentlemen wore short tunics (houvelandes neatly clefted) with stiff collars having rolled down tops. With these tunics were worn trunk hose, generally of two colors, one to each leg. The shoes, too, were often different colors. Henry V, himself, wore buskins in preference to long boots or pointed shoes. Stuffed turbans trimmed with jewelled brooches and cocked at a jaunty angle, were popular among the dandies of the time, as was also the "sugar-bag cap", which fell over to one side of the head. ~~and~~ Hoods and peaked caps were sometimes worn. Sleeves were still generally enormous in length and breadth and were either pendant or swollen like bag-pipes and slashed. The skirt of the tunic was occasionally cut up the middle, and, in place of a collar, a little hood was sometimes worn around the neck. Chains and rings were much worn by those of high rank. The men-at-arms were generally clothed, under their armor, in short tunics of leather and quilted waistcoats. The great mass of the people appeared in undistinguishable attire - voluminous cloaks and bundles of drapery. Circular cloaks, split at one or both sides - on one side to the neck, on the other below the shoulder - semi-circular cloaks, square cloaks, and oblong cloaks were all worn. Heraldic patterns, such as beasts, foliage and flowers, were still used as decorations for clothing. In short, this was an age in which old fashions were renovated or carried on, an age in which the styles of the two past reigns "were hopelessly garbled, cobbled and

stitched together".³⁷

In this reign, the enormous headdresses about which the writers of the period had so much to say had their beginning. The usual headdress, which had been a mere close, gold-work cap in the time of Edward III, now became something like a great orange which covered the ears, was cut straight across the forehead and bound all round with a stiff, jewelled band. The curls themselves had grown from their circular shape into two box forms on either side of the head. The uppermost points of the boxes formed horns from four to fourteen inches long - the famous horned headdress which we shall have occasion to discuss at greater length in the next reign. Ladies also wore headdresses shaped like a fez or an inverted flower-pot, with heavy veils over them and horns (bags stuffed into the shape of horns) attached. Only a few of these elaborate headdresses were worn during this reign. Surcoats over cote-hardie costumes were still worn by many women, but the surcoat was no more closely-fitting, the outlines of the figure being often accentuated by a band of heavy gold embroidery, fitted to it. The edges of the surcoat and the skirt were often furred. Sometimes a band of metallic embroidery ran across the chest and down the center of the surcoat. Most dresses were made with full trains, and very rich metal and enamelled belts were worn round the waist. On the whole, very few changes had taken place in women's dress since the beginning of the preceding reign.³⁸

The only law of a sumptuary character which was passed during the reign of Henry V was one enacted in 1420, in the eighth year of the reign.

37. Galthrop, vol. ii, pp. 84-85.

38. For an account of the costume of the period of Henry V, see Galthrop, vol. ii, p. 81 ff. For pictures of these costumes, see *ibid.*, p. 81, 82, 84, and opp. p. 84, 87, opp. p. 82, 83; Martin, plates 21, 22; and Green, vol. ii, p. 517.

At this time, the war with France which had recommenced a few years earlier was still going on. The English had for a while gained the upper hand and in March, 1420, a treaty was signed by Henry, the Duke of Burgundy, and the king of France. By the terms of this treaty the Dauphin was disinherited, Henry was recognized as the heir to the throne of France, and it was agreed that he should marry the Princess Catherine, daughter of the king of that country. The wedding took place on June 2, but the fighting continued for a time. After the fall of Melun, Henry entered Paris for the first time. He remained there until after Christmas, then handed over the army to his brother Clarence, and, on December 27, set out for England, where, on the twentieth of the same month, Parliament had been summoned to meet by the lord lieutenant of the realm, Humphrey of Gloucester.³⁹

During this session of Parliament the House of Commons presented a petition to the crown praying that "no person in time to come shall gild any sheths,⁴⁰ nor metal, but silver; nor silver any metal, except the souers of knights and all the apparel that pertaineth to a baron and above that estate; upon pain of forfeiture of life and limbs, and his lands and tenements of fee simple, goods and chattels of the gilder or silverer aforesaid, as in the case of felony"... To this the king replied, "Let it be as is desired by the petition, except with regard to the penalties contained in the same".... He evidently considered the penalties proposed too harsh and stipulated that an offender should only be compelled to forfeit to the ^{Crown} ~~king~~ "ten times as much as the thing so gild is of value",⁴¹ and should be imprisoned for one year. It was provided that the justices of the peace should have power to inquire "thereof and that to determine",⁴²

39. Political History of England, vol. iv, pp. 257 ff., 273 ff.

40. "Les geynes ardelez shethes" (Rot. Parl., vol. iv, p. 126)

41. Ibid.

42. Ibid.

and that the person who should sue the offender in the king's behalf should receive one-third of the pecuniary penalty. A proviso was inserted to the effect that the ornaments of Holy Church might be gilded, notwithstanding this ordinance. And in this amended form, the petition became a law.⁴³

This statute, by its reference to the "apparel thatertaineth to a baron and above that estate", seems to confirm, or at least recognize as still in force, earlier laws. There is, however, no evidence tending to show that these laws were any more successfully enforced at this period than they had been ~~at an earlier time~~ ^{previously}. The chroniclers and the law reports are both silent on the subject. No doubt the want of leisure during the busy reign of Henry VI and the troubles in that of his unfortunate son prevented proper attention from being paid to the application of the statutes of apparel, which had probably never been very rigorously enforced, anyway, or at least not for any great length of time.⁴⁴

No laws dealing with livery and maintenance were passed during the period of Henry V, nor were the prices of bread, ale, beer, or wine again regulated by statute. A petition was drawn up by the Commons and accepted by the crown in 1414, fixing the maximum price which goldsmiths might charge for gilding one pound Troy of silver, in order to prevent them from charging double prices, which, as the petition states, they had been in the habit of doing, and providing that any goldsmith who should charge more than the price fixed should forfeit to the king the value of the thing sold.⁴⁵ In the same year another petition was presented and an act passed similar to one enacted in the reign of Edward III, which had fixed the salaries of chaplains,

43. See Stat. L., vol. iii, p. 58 - 8 Henry V, c. 3.

44. Strutt, Dress and Habits, vol. ii, p. 108.

45. See Rot. Parl., vol. iv, p. 52.

who, it is stated, "because of their excessive array and other charges"⁴⁶ were not willing to serve except at exorbitant salaries. In order to supplement this earlier statute, to which the chaplains were paying no attention because no penalties had been provided for its infringement, the Commons, in 1414, proposed that all chaplains who should disobey it in the future should be forced to pay to the king double the amount of money which they received in excess of the sum fixed by law, and that the justices of the peace should have power to punish infractions of the law. The king did not grant this petition, but contented himself with replying: "Soient les Estatutz faitz devaunt ces heures gardez".⁴⁷

As far as the subject of unlawful games is concerned, the writer has only been able to discover two proclamations dealing with the latter which date from this period. Both of these emanated from the officials of the city of London. One of these proclamations forbade "hokkyng on hokkedayes and the levying of money for games called fote-ball and cokthresshyng"⁴⁸ on the occasion of marriages. The other, dated May 4, 1414, forbade the playing of hand-ball, foot-ball, "coytes, dyces",⁴⁹ stone-throwing, skittles, and "other such fruitless games"⁵⁰ and ordered that archery should be practiced, on pain of six days' imprisonment. Here one sees the old idea that the playing of games interfered with the practice of archery cropping out again.

Henry V, as we have seen above, had come back to England for a short time, but had been obliged to return to France in 1421. His absence had shown that his conquest was not complete and that the disinherited Dauphin *still* possessed the affection of the French nation. The duke of Clarence was

46. Rot. Parl., vol. iv, p. 52.

47. Rot. Parl., vol. iv, p. 121 (7 Henry V - 1413).

48. London Letter - Book I (1400-22), n. 72.

49. Ibid., p. 185

50. Ibid.

to France

defeated and killed at Rougé in March, 1421, and Henry, hastily returning, captured Breux, but failed before Orleans. He passed the winner of Louis as king of France, but was obliged in the following year to besiege Orleans, which only surrendered after a most resolute resistance. Shortly after this, he fell ill, and having been carried to the Bois de Vincennes, near Paris, died there on August 31, 1422, at the age of thirty-four and in the tenth year of his reign. He won a brilliant, though transitory success against France, which caused the injustice of his attack on that country to be overlooked and ^{*led to his being*} ~~himself to be~~ regarded as one of the most eminent of the English kings.

His infant son, who was less than nine months old at the time of his father's death, succeeded him and was proclaimed king as Henry VI both in England and France, the government being administered by the child's uncles, the dukes of Bedford and Gloucester, and by the bishop of Winchester. During Henry VI's reign, probably because the attention of both king and parliament was focused upon the war with France and the domestic troubles, no greater effort was made to regulate apparel by statute than had been made in the preceding reign. Whether any proclamations dealing with this subject were issued by the king or his council is not known. No traces can be found of such proclamations having been issued, in spite of the fact that the need for laws regulating dress was quite as great as, if not greater than, it had been previously. Many absurd, fantastic or extravagant styles reached their height in the reign of Henry VI.

The people of England were never more elaborately dressed than in this reign. It was a time of Irish finery, surpassed in extravagance, color and variety only by the time of Henry VIII.⁷¹ The material on the

Sl. Calthrop, vol. ii, p. 33 ff.

subject is so vast and the fashions so complex, confusing and over-lapping, that it is almost impossible to lay down any hard or fast rules or make any definite statements concerning the dress of this reign.

One can only say with regard to the costume of the period that it was "a fantastical phantasmagoria of all the odds and ends of garments prevailing during the preceding centuries, with no prominent or salient features that may be definitely grasped. The boundless disorder and civil dissensions of the reign showed in the heterogeneous agglomeration of jumbled fashions."⁵²

Henry himself (in his best known picture, which is that in which the Earl of Talbot is presenting a book to Margaret of Anjou, Henry's queen) wears a short tippet of ermine, and a voluminous mantle open at the side and lined with ermine, covering a houppelande with loose sleeves, which are open to show the tight sleeves of an undergarment. The houppelande here portrayed is red, the usual color, but in another picture the king is shown attired in a long, flowered, blue houppelande.⁵³ A short mantle, termed the heuke, was very prevalent at the beginning of this reign. It was often made of vari-colored material, bordered with gold embroidery and fastened on the shoulder by a jewelled brooch.

The principal article of male attire during this reign was a loose tunic, usually with a wide neck open in front for a couple of inches, a full skirt, which might be slit up on one or both sides, and edged with fur, embroidery, etc. or daiged. This tunic was usually belted low and ordinarily had bag, or balloon sleeves, ending in a roll of cloth or a fur edge instead of a cuff. Among the upper classes the bag sleeve became peculiarly the sport of circumstances. It was often modified by the

52. Ashdown, op. 152-153.

53. Ibid., op. 157-154.

addition of two other exits for the arm (besides the cuff) - finger up in the sleeve. Such sleeves were probably stuffed in order to make them stand out. In another type of bag sleeve, there was only one opening half-way up the arm. The bag sleeve in its primitive form was still prevalent among certain classes in 1440. At the beginning of the reign (when the influence of the hounselande was still felt) the sleeves of robes were not very loose, but they grew so much smaller as time went on. Half-sleeves, very wide like a shoulder cape, and allowing the tight sleeves of an undergarment, the collar of which often came above the tunic collar at the neck, to appear, were also worn, together with several other varieties of sleeves. The shoulder-cape sleeves varied in size from small epaulettes to heavy capes falling below the elbow.

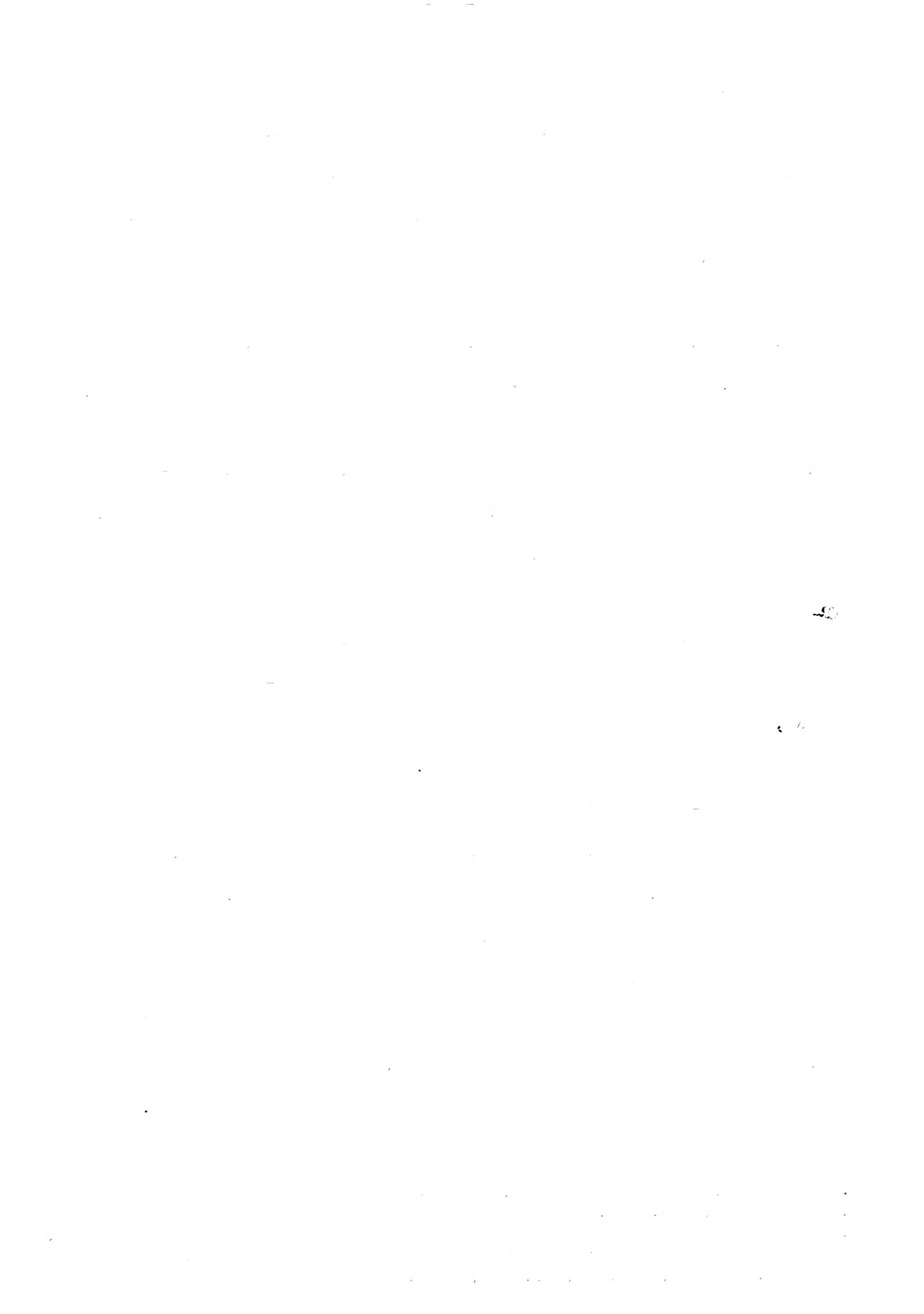
A new form of overcoat was worn by men in the period of Henry VI, an overcoat which was really nothing more than the tunic of the time, unbelted and without sleeves. Besides the mantle mentioned above, a circular cloak, split up the right side to the upper arm and with a hole in the center, edged with fur, for the head to pass through, was also worn. Velvet was often used for gowns, tunics, and hose-clothes. It was made in all sorts of beautiful patterns, ~~of~~ ^{sometimes} over a ground of gold or silk. Pall, a beautiful gold or crimson web, known also as handekin, was frequently worn, too.

The roundlet, which had developed out of the chaperon, which it had become customary to sew, in order to save the trouble of tying it every time it was worn, was at this period the most respectable form of headgear for men. This was a little round hat with a heavily ribbed and stuffed brim, pleated drapery hanging over one side and a broad streamer over the other. The hat was often slung over the shoulder, with the streamer tucked out in use.

Mandarin hats, with rolled brims, and flat crowns, and caps of "crown" on top were also fairly common. The heaca, or street cap, was a simple iron hat, was often decorated with a red tassel. Hoods were still worn in the country, or for riding in towns, and were used by all classes.⁵⁴ When not in use, the hood was frequently thrown over the right shoulder, with the opening of the hood behind and the long tassel in front. Tall, conical hats of straw, with high, fur brims, cut or scooped out in places, caps which fitted the head closely and had long, loose backs, falling over the neck of the wearer and over this a roll or band of twisted stuff, sugar-loaf hats, like those worn by clerics, and broad, flat-brimmed hats with round tops were also seen. As far as foot-wear was concerned, shoes with enormously long toes, longer than the entire length of the shoe itself, and clogs for bad weather were used by gentlemen throughout the reign of Henry VI. Towards the end of the reign, styles began to trend towards the fashions prevailing in the succeeding reign - turbans lined with fur, pined jackets, dark hose and boots. The common people wore a variety of costumes throughout this period.⁵⁵

The super-cote-hardie costume and the goun were still great favorites with many ladies. However, a new form of gown or robe, with a very high waist-line, and a bodice opening very low in front, was more generally prevalent. At one period, these gowns had very wide bellies and trains of great length, with the front of the skirt cut almost as long as the back and capable of being spread out to a considerable distance ~~in front~~.⁵⁶ Soon after the middle of the century, women ~~ceased to wear~~ ^{ceased to} ~~wearing~~ trains and substituted very wide borders around the bottoms of their skirts.

54. John Stowe, A Survey of London, p. 445.
55. See Aspdown, p. 139.
56. At about the same time men began to wear shorter jackets than ever before, and more polished shoes; and even boys wore doublets of silk, satin and velvet. (Lytton, vol. ii, pp. 137, 141).



The bodice was usually very tight-fitting and, as mentioned above, cut very low, generally to a V in front and often in the same manner behind. Sometimes, however, such gowns had very large and wide collars, with a thick fur edge on the shoulders, tapering into a point on the bosom. The sleeves were frequently tight down to the elbows, but very wide and long, like wings, from that point on, and edged with fur, as was also the bottom of the gown. A short overgown was usually worn with this costume, the undergown showing only at the neck and below the skirt of the overgown. Few surcoats, with their bodices made entirely of fur, and little jackets, very full and short, were also worn. The latter usually had ~~long~~^{extremely} full sleeves, tight at the wrist, and were long-waisted, with a little skirt ~~falling~~^{falling} only an inch or so below the belt. There were many fashions in sleeves prevalent at this period. The tight sleeves of the undergarments were sometimes laced from wrist to elbow, instead of being buttoned.

Maids, merchants' wives, etc. dressed in humbler imitation of the styles worn by the high-born - in simple dresses with a gorse, middle and acron, and hoods or twisted ripples of coarse linen.

The most fantastic and extravagant article of women's dress at this period was the headdress. All the weird fashions which the human brain could invent seemed to be concentrated there. The first of a startling series was the turban headdress which remained in vogue for a considerable period. It was probably Turkish⁵⁷ in origin, and was certainly based on an Oriental model. It was of light construction, though bulky, consisting of a round wire framework, over which was stretched a covering, often of the richest description. Some turbans were very large, others smaller. One

57. Its shape and the fact that it was not commonly made of white cloth show that it was not of Indian origin. (Latham, p. 101-102)

variety had a hole in the center through which the air flowed, and the back. The horned headdress was a favorite ~~and~~ was worn as early as late as the early sixteenth century.

The horned headdress was one of the grotesque and bizarre of the period. It neither fitted the face nor adorned it. It was introduced into England about 1420 from the continent, where it had been worn for some time before. The horns were attached on either side of the head, above the ears, and a veil was sometimes thrown over the horns and the head, and a coronet placed on top of the veil. These headdresses were also imitated at times in stiff linen. They were violently attacked by the satirists and moralists of the time. In fact, the greatest poet of the period, composed a ballad on the subject, called "A Litty of Women's Horns", in which he tried to persuade the ladies to do away with their horns, which he said were no addition to their beauty. A certain monk declaiming from the pulpit against fashionable fables, is said to have compared the ladies to horned snails, harts and unicorns.³⁸ Others compared them, still more disrespectfully, to the devil, but in spite of these objections from the wild and from moral writers, the horned headdress maintained its ground during the reign of Henry VI and even reached such a preposterous size that, in France, the Isabel of Bavaria, the consort of Charles VI, held her court at Vincennes, it was necessary to make all the doors in the palace higher and wider in order to enable the ladies to pass through.³⁹

Another style of headdress which has been mentioned once before was heart-shaped. The ears had grown higher and higher and the pad resting on them had been pushed up until the whole affair developed into an

38. Strutt, Dress and Habits, vol. ii, p. 129.

39. For contemporary descriptions of horned headdresses, see Strutt, Dress and Habits, vol. ii, p. 170, and Zamboni, op. cit. 171-172.

erborrus, fat, short-shodded erection, covered with a rich, fullid
 drapery, snow-white linen or gold tissue,⁶⁰ and sometimes with ribbons
 attached to the sides. The crescent headdress, which was subject of
 unwieldy proportions, and the forked headdress, were simply two varieties
 of the horned headdress. In the latter, the horns stood up perpen-
 dicularly on the head, instead of curving out sideways, and had drapery
 hanging from their points. There were a variety of other headdresses,
 which we have neither the time nor the space to describe here, with towers
 and minarets and excrescences of every shape jutting out from them.⁶¹ In
 short, "about the middle of the fifteenth century, most of the old abuses
 in dress were revived and universally adopted, with the addition of others
 as superfluous, extravagant and expensive".⁶² It was a wonder that the
 interference of parliament was not again considered necessary, but, ~~despite~~ *in spite*
 of ^{so much} luxury and ostentation, very little was done to regulate dress until the
 next reign.

It is interesting to note, incidentally, that about this time a crusade
 was inaugurated on the continent against the extravagant headdresses which

60. For a picture of such a headdress, see Ashdown, fig. 210, opp. p. 168.
 61. See Calthrop, vol. ii, pp. 109-110. For pictures of the crescent head-
 dress, see fig. 212, p. 109, and fig. 202, no. 5, p. 115.
 62. Strutt, Dress and Habits, v. l. ii, p. 106. The above account of the
 costume of the Henry VI period is taken from Strutt, vol. ii, pp. 106, ff.,
 128 ff.; Calthrop, vol. ii, p. 90 ff.; and Ashdown, p. 152 ff. For a
 picture of the complete costume of a lady (1450-70), see Ashdown, plate
 p. 166. The lady in this picture is wearing a forked headdress, with a
 veil hanging down behind; a cloak of black velvet, sprinkled with
 golden fleur-de-lis and edged with ermine; and a super-cote-hardie costume.
 For other pictures of the dress of this period, see Green, vol. ii, pp.
 527, 551, 548; Martin, plates 24, 25; Calthrop, vol. ii, pp. 10, 17, 24,
 opp. p. 100, 102, 104, 105, 107, 108, 109, 110, opp. p. 112, 11, 114,
 115, 116; Ashdown, opp. p. 152, 154 and opp. p. 154, fig. 195 (next to
 p. 177), figs. 193, 194, 197 (on next page), figs. 199, 191 (next to p.
 156), fig. 200 (opp. p. 158). For pictures of ladies' headdresses, see
 frontispiece; figs. 202 (p. 115); 207 (p. 120); 204, 208 (opp. p. 110);
 203, 200 (p. 117); 207 (p. 104); pp. 185-187; fig. 210 (opp. p. 168);
 211, 210 (next to p. 169); 217 (120); also Calthrop, vol. ii, pp. 24, 25,
 26, 29, 30, 31, opp. p. 32, 36, 37, 38, 39, opp. p. 40. See also, *costume of the*
 p. 74, for manuscripts which give us the best pictorial idea of the

have just been described. In 1428, Thomas Conecte, a wandering preacher and a native of Brittany, preached in Flanders, Artois, Friers, and Ponthieu. In his sermons, "he blamed greatly the noble ladies and all others who dressed their heads in so ridiculous a manner and who expended such large sums on the luxuries of apparel".⁶³ The high headdresses were known as "hennins".⁶⁴ Conecte ordered little boys to plague and torment all who wore them, as they passed through the streets. His methods were temporarily effective, and ladies no longer dared to attend his sermons in high headdresses. Instead, they laid them aside and wore caps like peasants. At the close of his sermons, he would admonish his audience, on pain of excommunication and the eternal damnation of their souls, to bring him backgammon boards, chess boards, and whatever other instruments for playing games they might possess, and these, together with the women's headdresses, he would burn in a great bonfire. His success was only temporary, however, for as soon as he had left a locality, the ladies there promptly made the selves new headdresses and wore them higher than ever before.

In 1429, some of the clergy took a step which showed that they realized that some of their number were quite as guilty of wearing extravagant

63. Thomas Johnes (trans.) The Chronicle of Enguerrand de Monstrelet, vol. i, pp. 546-547.

64. These were apparently the high steeple headdresses, which were much more worn in France than in England and which were described by Paradin, writing in 1461, in these words, "The ladies ornamented their heads with certain rolls of linen, pointed like steeples, generally half and sometimes three-quarters of an ell in height". (Quoted in Strutt, vol. ii, p. 130) See *ibid.* for a description of ^{the} headdresses worn by people of different ranks. In general, the lower classes carried the headdresses of their betters.

clothes as were the laity. That was the year in which Jeanne D'Arc began her operations against the English and succeeded in having Charles VII crowned at Rheims in defiance of the claims of the English king to the throne of France. On November 6 of the same year, the English coronation of Henry VI took place, and ~~Henry~~ ^{the king}, though only eight years old, was declared by the council to be no longer in need of a "protector". Gloucester was deprived of the office which he had abused, but remained the king's chief councillor. Parliament, which had assembled for the first time on September 22, enacted an important law which settled the character of the constituencies which were to choose the knights of the shire by providing that henceforth voters must own lands or tenements worth 40 s. a year. The reason for the passage of this law was the fear that the poverty-stricken rabble might swamp the solid landed yeomen. In reality, this ~~law~~ ^{act} changed conditions very little, since the local magnates possessed, and continued to possess, the real deciding voice at elections.⁵⁵ While these events were taking place, at a general chapter-meeting at Northampton, "all use of splendid habits was forbidden to monks and wholly annulled", or to quote the Latin: "Ocellae splendidae interdictae sunt ab omni monachorum usu, penitus et adnullatae".⁵⁶ This shows that the clergy realized that some of their brethren were setting a bad example to the laity in the matter of dress and that something must be done to put a stop to ~~it~~ ^{this evil}. Whether this ordinance was enforced or not, is not known, - there is no evidence on this point.

In the sixteenth or seventeenth year of Henry's reign (apparently in the latter, though there seems to be some doubt about the date⁵⁷) "it was

55. Political History of England, vol. iv, p. 304 ff., 712 ff. See also Parliamentary History of England, vol. i, pp. 362-363. In 1402 (10 Henry VI) it was decided that only 40 s. freeholders could vote at parliamentary elections.

56. Johannes Arundesham, Annales Monasterii S. Albani, vol. i, p. 40.

57. See James Gairdner (ed.), A Short English Chronicle, in Camden Society Publications, p. 62, n. s.xxviii.

ordayned", says the Short English Chronicle, "that all the conyn strumpetes sholde were raye⁶⁸ hodie and while rodde in her bondes". This is practically a repetition of the ordinance passed during the reign of Edward III to which reference has already been made.⁶⁹ This ordinance was not really sumptuous in character, but was intended to provide a means of distinguishing prostitutes from respectable women.

No statute dealing with the subject of games was passed during the reign of Henry VI, but in 1459, when danger threatened from abroad, it appears that a proclamation forbidding the playing of tennis was issued. Among the accounts of the corporation of Lydd is found a payment made "to a man crying that the wache was to be kept by the see side, and that no man shoulde playe at the tenys".⁷⁰ Tennis was evidently so popular as a pastime that it interfered with the military exercises of the day. The subject of unlawful games is again mentioned in a list of complaints drawn up by the bishop, dean and chapter and directed against the mayor, bailiffs and commonsalty of the city of Exeter. Article five of this list of complaints recites that in the cloister of the cathedral, the doors to which were always shut "except times to goe in procession, or to the chapitre House, or to the said Library, or any other such reasonable time, ungodly yong people of the said Comminalte", especially while divine service was going on, have played unlawful games, such "as the tonpe, queke, canny pykke, and most atte tenys, by the which the walles of the said Cloistre have be defowled and the glas wyndowes nil to brost."⁷¹ The record does not show whether the mayor and bailiffs of Exeter heeded this complaint and, from that time on, enforced the laws concerning games more strictly, or kept the young people

68. Striped

69. See above, p. 25.

70. Andrew Hibbert, "Tennis", in *The Antiquary*, vol. xvi, pp. 11-72.

71. Stuart A. Moore (ed.), *Letters and Papers of John Shillingford*, in *Camden Society Publications*, n.s., vol. ii, p. 101. Shillingford was mayor of Exeter from 1447-50.

of the town out of the cloister. In Coventry, however, one finds evidence that some effort was made to carry out the statutes dealing with this subject, since in the thirtieth year of the reign of Henry VI, it was ordained by the Easter Leet, which met on Saturday in Easter week, that "any servant playing at an illicit game, or betting, on feast days, shall be imprisoned for 3 days and pay 4 d. to the sheriffs; and every master shall have the same penalty and pay 12 d. to the sheriffs".⁷²

Among the police regulations of the time, though not connected with the summary laws, one finds an act which was passed in 1429, as the result of a petition drawn up by the House of Commons and presented to the crown, and which reviewed the provisions of earlier acts concerning the giving of liveries and stated that these acts had "not been duly kept, because that they that do contrary to the said statutes and ordinances before the said justices may not be indicted for great maintenances in this behalf..."⁷³ In order to remedy this condition of affairs, it was ordained that the justices should have power to issue various writs against all who should break the statutes of livery and maintenance and to enforce against all whom they should find guilty the penalties decreed by the earlier laws. All the statutes and ordinances "before made and not repealed of liveries of cloth, lords given or to be given"⁷⁴ were confirmed and extended. By the terms of another act passed during the same year, it was provided that a feoffment of lands or gift of goods for maintenance should be void, and that, on forcible entry by maintenance, a special assize should lie, and a year's

72. M. D. Harris (ed.), The Coventry Leet Book, part 2, p. 271.

73. Stat. L., vol. iii, p. 114 - 8 Henry VI, c. 4.

74. Stat. L., vol. iii, p. 114 ff.; Parl. Parl., vol. iv, pp. 341-349.

imprisonment and double damages could be ^{the penalty} imposed on the offender.⁷⁵

These were the only two laws dealing with liveryies and maintenance which were passed during the reign of Henry VI, and their similarity to earlier laws, as well as the positive statement to that effect contained in the statute of 1429, shows that the government had not been able to enforce those earlier laws.

No new laws regulating the prices of bread, beer or ale were enacted during the period of Henry VI. However, various regulations were adopted with regard to wines, such as the acts requiring that wines must be imported in pipes containing one hundred and twenty-six gallons,⁷⁶ regulating the sale of wines of Gascony,⁷⁷ etc. Taverns and tavern-keepers in a certain section of London were also regulated by an act passed in the eleventh year of Henry VI's reign.⁷⁸

75. Ibid., p. 123 ff. - 8 Henry VI, c. 9, paragraph 3.

76. Stat. L., vol. iii, pp. 86-87 - 2 Henry VI, c. 11.

77. Ibid., p. 226 ff. - 25 Henry VI, c. 18.

78. Ibid., p. 191 - 11 Henry VI, c. 1. (For other statutes dealing with wines, see the index to the Stat. L. under "wines".) Drunkenness by no means played the part in the fifteenth century that it does in affrays of today (or did before the passage of the eighteenth amendment), although riots were then everyday occurrences. (Selden Society Publications, vol. xvi, Select Cases in the Star Chamber, p. cliv). Consequently the regulation of taverns was perhaps not so necessary at that time as it later became.

With reference to the prohibition of the exportation of wool mentioned above (see p. 21) see the case of John Forde, mercer of London, who, in 1439, confessed before the king's council that he had sold to Gerard Matsor, a Dutchman, 26 stone of wool and a large amount of woollen broadcloth and that he had concealed the wool between the pieces of broadcloth, so as to make it appear that the pack was made up of broadcloth only. For this, he was imprisoned and otherwise punished. [Selden Society Publications, vol. xxxvi, Select Cases before the King's Council (1243-1482), p. 104]

Chapter III

The Yorkist Period.

From about 1455 to 1485 England was torn by the Wars of the Roses, in which the rival houses of York and Lancaster contested for the crown. Since this is not a political history, it is not necessary to go into the causes which brought about the war, to describe its events, or to recount the fluctuations of fortune which put first one party and then the other in the ascendant. In 1461, the Yorkist faction gained the upper hand and its leader became king as Edward IV. His tenure of the throne was for some time precarious and he was frequently obliged to fight for his crown, but in the rather rare intervals of peace he gave England a strong, efficient rule.

Although the Yorkist period was thus an epoch of almost continual war, it only brought to the front one general of the first class, Edward IV himself, and it did not on the whole bring about any great change in the art of war in England. However, the Wars of the Roses, looked at from one point of view, were struggles between a new order and the old feudal and ecclesiastical system, and with their close the Middle Ages practically came to an end in the island kingdom. The next age saw as great a change in the composition of the English national forces as it did in their tactics and equipment. In naval matters, both Edward IV and Richard III were active. Edward greatly improved his fleet and completely re-established the naval power of his country. He also fully appreciated the value of an extension of commerce and spared no pains to encourage the numerous English merchants who had settled in the Low Countries, besides making enlightened treaties with Denmark, Castile, Burgundy and the Hanse towns. Richard III, too, paid attention both to the royal and to the commercial navy of England and endeavored to promote trade and to preserve the English dominion over the

seas, all of which measures benefited his subjects. Very little was done in the realm of exploration and discovery, however, before the time of the Cabots. During most of the fifteenth, as in the thirteenth and fourteenth centuries, the position of Catholic England, except for intervals of foreign conquest, was purely insular.

In the field of architecture, the reign of Edward IV was the period of the Perpendicular, or decadent style of Gothic. The architects of the Lancastrian and Yorkist period deserve chiefly to be remembered for the towers which they built, one of which was the great central tower of Canterbury. In domestic architecture, fortified manor houses were fast replacing castles, very few of which were built in the ^{time} ~~reign~~ of Edward IV. Architecture, however, even in its decline, remained the one art in which Englishmen exhibited anything like genius. Painting was still almost a foreign art; and few notable examples of sculpture date from this reign. In music, on the other hand, several English schools developed during the fifteenth century, of whose compositions some specimens have been preserved. Sir Thomas Malory is the acknowledged master of the prose literature of the time; Sir John ~~Folke~~ ^{Folke} ~~scue~~ was well-known as a political writer, and Caxton was also coming into prominence.

As far as agriculture and the condition of the rural classes were concerned, many conflicting opinions have been advanced, ^{but,} as was said in the last chapter, the evidence seems to show (in spite of what the sumptuary laws say about misery and poverty) that a certain amount of prosperity must have marked most years of the century, even though the lower classes may not always have enjoyed an enviable existence. In industry, a rising standard of comfort and increasing accumulations of capital led to the growth of commerce and

manufactures, especially of the woolen manufacture, which underwent a great development. Though competition had not yet supplanted custom as the mainspring of trade, its germ was already there and the mercantile ideas sometimes attributed to Edward IV probably helped to foster it.¹

As we have seen, very little had been done to curb extravagance in dress during the three preceding reigns. Henry IV had apparently wished to keep the power of regulating dress in his own hands and in those of his council, instead of allowing Parliament to regulate the matter by statute.² Foreign wars and domestic disorders had engaged the attention of Henry V and his son and had probably prevented the central government of England from taking some much-needed action with regard to apparel. But with the beginning of the new reign, and in spite of the continued civil war, a determination to curb extravagance and luxury soon manifested itself and resulted in the passage of several statutes of apparel. The first of these was enacted in 1463-64.

The costume worn in the reign of Edward IV was in some respects not so fantastic as that which had been fashionable during the period of his predecessor, but it was sufficiently costly and extravagant to justify (at least in the opinion of the legislators of that day) the passage of laws intended to regulate it. In a picture of Edward IV which has been preserved, the king is represented as wearing a velvet gown edged with fur. The neck of this garment is cut low to show a silken vest underneath. Across the chest, the edges of the robe are held together by gold laces, running straight across the front of the opening and tapering to a point at the waist. The skirts of the gown reach approximately to the knees; the sleeves are full at the elbows, but tight at the wrists. On his head, Edward wears a black

1. H. D. Traill, *Social England*, vol. ii, p. 321 ff.

2. See above, p. 86 ff.

velvet cap, and his costume is completed by high, red, Spanish leather boots, turned over at the top.³

The fashionable gentlemen of Edward ~~IV~~^{IV} day affected velvet tunics edged with fur, belted in at the waist, with full skirts, pleated both in front and behind. The sleeves were generally long and either wide at the top and tight at the wrist or slashed, sometimes at the elbow only, sometimes from the shoulder to the cuff, where they were sewn together again. The cuff and the border of the opening were often edged with fur. Frequently, the white sleeve of the shirt was allowed to puff out at the elbow through the slash. Full undersleeves of rich silk were also used. The neck of the jacket was generally high, but without a collar. Handsome gold chains, elaborate in design, were hung around the neck. With the tunics were worn well-cut tights, sometimes made of cloth of two different colors. Peaked hats or caps, with gold bands round the crown, and another kind of hat, equally tall but not peaked, ~~was~~^{formed} the fashionable head-gear of the day. A long feather was generally brooched into one side of such a hat. In addition to the tunics already mentioned, which extended to a short distance above the knees, little, short ~~jackets~~^{jackets}, usually loose at the waist and reaching but an inch or ~~two~~ below that point, and with loose, wide sleeves, not fastened at the wrist, and a small, standing collar, generally open in a slight V in the front, were also worn. These jackets⁴ were so short that the whole of the tights was revealed. They were prohibited as indecent by some of the statutes of ascarel. Shoes, split at the sides, with a peak before and behind, and long, pointed toes, which were also forbidden by statute, were

3. Calthrops, vol. ii, pp. 121-122.

4. A jacket made of carlet (camelot) sold in 1470-71 for 12 s. 8 d. Originally, carlet was a beautiful and costly Oriental fabric, made especially of the hair of goats and kids, such as the Angora goat. Later the term was applied to any of various imitations or substitutes. (See Rogers, History of Agriculture and Prices, vol. iv, p. 577-578)

still in vogue, though late in the reign a few broad-toed shoes appeared.

Older men wore long, simple gowns, very much like a monk's habit, belted in at the waist with a stuff or leather belt, from which often hung a bag-purse. These robes had wide sleeves - the same width all the way down - and loose necks, so that they could be put on over the head. They were laced across the chest down to the waist over a vest of a different color from the gown. The outer garment was sometimes cut low behind at the neck, in order to show the undertunic and above it a piece of the white shirt. The wide sleeves when cut open were often laced up loosely. Some sleeves were swelled out at the top in order to give an appearance of greater breadth to the shoulders, a practice forbidden in certain cases by the sumptuary laws of Edward IV's reign. Some men had designs sewn on one leg of their tights. In addition to the hats already mentioned, big fur hats, round in shape, with brims close to their crowns, and pushed forward over the eyes; black velvet caps; and strips of cloth wound around the neck and over the head, with one end hanging down, and surmounted by a round, steeple-crowned hat, or by a sugar-loaf hat with a flat top, were also seen. Dandies carried walking-sticks and wore many rings.

Merchants, citizens and others of similar rank still wore the roundlet hat. Caps with little rolled brims with a button at the top, over which two laces passed from the back to the front, had peeping from under their brims the last sign of the liribipe, now jagged and now with tasselled ends. The poor wore very simple tunics, mere loose, stuff shirts (with sleeves about eight inches wide, skirts to the knees, and a belt at the waist), shapeless leather shoes, and woolen tights.

The dresses worn by women during the reign of Edward IV were usually plain in cut : short-waisted, generally with a broad belt and deep borders

around the bottoms of the skirts, which were very full and often caught up on one side to show the underdress. The sleeves of such gowns frequently had broad, turned back cuffs, often made of some black material, but usually of the same color as the dress underneath. The V neck opening was common, but many variations of it were in vogue. Occasionally, it was covered by a forget of cloth, pinned up to a steeple headdress or to a hood of thin stuff or silk, the cape of which was tucked into the neck of the dress. Square and round necks were also fashionable. The ladies, like the men, wore long-pointed shoes. Their jewelry included necklets of precious stones or gold chains with a cross or heraldic pendant attached to them. Country-women dressed very plainly, in gowns with their waists in the proper place, full skirts, turned-back cuffs, wimples or hoods on their heads, plain, foot-shaped shoes and wooden clogs strapped on to them for outdoor wear.

In a portrait of Margaret of York, dating from about 1468, she is represented as wearing a dress of orange-red velvet. The square-cut neck is trimmed with a brown edging. Around the ~~neck~~^{throat} is worn a broad collar of gold, ornamented at intervals with rows of pearls. From this collar a large jewel is suspended on her breast. A gold chain with large, oblong links is also worn. With this costume, appears a steeple headdress - a tall, pointed affair which entirely conceals the hair and which is partly covered by a gauze veil, one end of which falls on to the right shoulder.⁵ Jane Shore, the mistress of Edward IV, has been painted in a similar costume - a steeple headdress with a thin veil thrown over it and a frontlet, or little loop of black velvet, such as is mentioned in some of the statutes of apparel,

5. Clinch, pp. 53-54.

on her forehead, long, peaked shoes and a high-waisted dress, open in a V from the shoulder to the waist, with a square-necked undergown showing through the opening in the outer garment, which is laced up loosely across the chest. The overdress has a collar of fur or silk, a long train, broad cuffs (perhaps seven inches broad from the base of the fingers) a wide, colored band around the waist, and a still wider trimming of the same color round the hem of the skirt.⁶

The steeple headdresses already mentioned were usually long, pointed, black-covered creations looking very much like dunce caps, and worn at an angle of 45° to the head. Around the bottom of such a headdress ran a deep velvet band, with hanging sides reaching to the level of the chin. To the point of the steeple, a veil was attached, which floated lightly down or was carried on to one shoulder, as in the picture of Margaret of York described above. Sometimes such steeple hats were worn over hoods, the capes of which were tucked into the necks of the dresses. Some few of these hats had a jutting, up-turned framework of wire in front, covered with linen or with brightly-colored stuffs, but this was not very common. Another new form of headdress consisted of a cylinder broader at the top than at the bottom and from eight to eighteen inches in height. The top of the cylinder was sometimes flat, sometimes rounded. This headdress was generally jewelled and covered with rich materials. A veil was often attached to it also, either to the center of the crown or to the base of the hat, and supported by wires, so as to shade the face, making a sort of roof over it. This roof might either be pointed ^{both} in front and behind, or flat across the front and bent into a point behind, or perfectly circular. The veil sometimes fell completely over the headdress and down over the face, but was usually stiff enough to stand away from it. Towards the end of the reign,

6. Calthrop, vol. ii, p. 127.

the headdresses were not so high nor so erect as they had been at an earlier period.

The horned headdress of the previous reign was not by any means extinct. Another fashionable headdress, which lasted well into the reign of Henry VII, resembled an enormous sponge-bag. Still another consisted of a wimple which was kept on the head by means of a circular, stuffed hoop made of some kind of cloth, and which was plain and severe across the forehead. Women of the lower classes wore hoods of linen with liripipes and wide ear-flaps attached.⁷

Such were some of the styles in vogue when, in 1463, the Parliament which was to pass the first statute of apparel enacted in the reign of Edward IV assembled at London. The Wars of the Roses were still going on at the time. Parliament met for the first time on the 29th of April, but had to be adjourned and prorogued several times because the king was employed in suppressing the rebels and could not be present. It continued in existence with interruptions until January 21, 1464. "These interruptions and distant adjournments", says the "Parliamentary History", "were occasioned by the unsteadiness of the times."⁸ It was thus under conditions of intermittent warfare and perpetual alarms that the House of Commons drew up and presented to the crown a petition which began as follows:

"Prayen the Comyns in this present Parlement assembled to calle to youre blessed remembrance that, in the dayes of youre moost noble Progenitours, there have been dyvers ordanauncez and statutez made in this youre reame, for the apparell and aray of the Comyns of the same, as well of men as of women,

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7. For a fuller account of dress in the reign of Edward IV, see Calthrop, vol. ii, p. 119 ff.; Clinch, p. 53 ff. For pictures of the costumes of this period, see Green, vol. ii, p. 582; Martin, plates 26, 27 (time of Richard III - plates 28, 29); Calthrop, vol. ii, p. 118, 120, opp. p. 120, 122, 123, 124, 125, 128, and opp. p. 128, 129, 130, 131.
8. Parliamentary History of England, vol. i, p. 423.

soo that noon of them shuld use nor were noon inordynat aray, but only accordyng to their degreez. Which statutez and ordenauncez notwithstanding, for lak of punvshment and puttyng them in due execution, the Commyns of this youre seid reame, as well men as women, have used, and daily usen, excessive and inordynat arrayes, to the grete displeasure of God, enpoveryshing of this youre seid reame and enriching of straunge reames and cuntrees, and fynall distroiyng of the husbandrie of this youre seid reame."⁹

After thus alluding to the earlier acts of apparel and the failure of the government to enforce them, the petition goes on to ask that certain steps shall be taken in order to remedy the condition of affairs set forth in the preamble. It is interesting to note that the reasons given for the enactment of a new statute of apparel, as stated in the passage quoted above, were twofold, i. e. both moral and economic. The legislators of the fifteenth century feared (or professed to fear) that the wearing of extravagant clothing would (1) bring down upon England the wrath of God; (2) impoverish their own country and enrich foreign countries, presumably because so many articles of foreign manufacture were being worn and so much gold was flowing out of England to pay for them. Here we have the desire to protect domestic industries from foreign competition and the mercantilist idea that gold was wealth and must be kept at home, not sent abroad in return for foreign products, appearing ~~at a comparatively early date~~ *once more*.

The king assented to this petition and to all the articles comprised in it.¹⁰ The petition was enacted into law and it was thereupon "ordained and established"¹¹ that no knight below the rank of a lord, except the children of a lord, nor the wife of any such knight, after the Feast of the

9. Rot. Parl., vol. v, p. 504 ff.

10. "Le Roy ad graunte cest Petition & toutz les articles comprises en ycell". (Ibid., p. 505.)

11. Stat. R., vol. ii, p. 399 ff. - 3 Edward IV, c. 5.

Purification, 1465, should wear any cloth of gold,¹² any courses¹³ wrought with gold, or any sable¹⁴ fur. If any knight should wear any of the prohibited articles himself or allow his wife or child, "the same child being under his rule or governance",¹⁵ to do so, he should forfeit £ 20 to the king for every offense. Knights bachelors and their wives, with the exception of knights who belonged to the Order of the Garter and their wives, were forbidden, after the day mentioned above, to wear "eny cloth of velewet uppon velewet",¹⁶ Anyone who disobeyed this provision would have to pay a fine of 20 marks. These two provisions and others which will be mentioned ^{later} were evidently intended to prevent the lesser nobility from wearing very costly materials, which were obviously to be reserved for the use of those of very high rank or of great wealth.

The next section of the statute forbade all persons below the rank of a lord to wear any silken material which was purple in color, perhaps

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12. From a letter of Sir John Paston to John Paston (dated Jan. 17, 1476) we learn that cloth of gold was sometimes used at the funerals of the nobility as a "coveryng ffor hys bodye and herse". In another letter, dated Jan. 21, 1476 and written by John Paston to his mother, Margaret Paston, cloth of gold is again mentioned. John asks ~~his~~ his mother whether she is willing to sell a piece of cloth of gold which she has in her possession. He does not state how large the piece is. He says he has been offered 20 marks for it, but knows he can get more. (See Paston Letters, vol. iii, pp. 148-149.)
 13. "Corse merely means body or stuff". (Strutt, Dress and Habits, vol. ii, p. 108 note).
 14. A sable is a small carnivorous animal belonging to the same genus as the martens and found in northern Europe and parts of northern Asia. Its fur, which is still worn today, is dark brown with gray on the head and tawny on the throat and under parts.
 15. Stat. R., vol. ii, p. 399; Rot. Parl., vol. v, p. 504.
 16. Rot. Parl., vol. v, p. 504. A knight bachelor was a knight who, in time of war, followed the standard of another, either because of his youth or because he was poor and had few vassals of his own. A knight banneret was a knight who could lead vassals into battle under his own banner, ranking above other knights and next to a baron.

because purple had long been regarded (in fact, from very ancient times) as a "regal" color, to be worn only by those of high rank, or perhaps because purple dye was more expensive than other kinds. The penalty for disobeying this provision was to be a fine of £ 10. Esquires, gentlemen, and all persons below the rank of a knight and their wives (with the exception of the sons of lords and their wives, the daughters of lords, and "esquires for the king's body"¹⁷ and their wives) were forbidden to wear any figured velvet, or satin, any silk fabric made in imitation of the same, any material "wrought like to"¹⁸ figured [branched] velvet or satin, or any ermine, upon pain of having to pay a fine of ten marks for every offence. It was also ordained that no squire nor gentleman nor anyone else below the rank mentioned above should wear any damask or satin. However, the menial squires, sergeants, officers of the king's household, yeomen of the crown, yeomen of the king's chamber, all squires and gentlemen who had possessions worth £ 40 a year and their wives and widows, as well as the unmarried daughters of persons who possessed incomes of £ 100 a year, were all exempted from the operation of this rule. In order to secure the enforcement of this provision, a fine of 100 s. for failure to observe it was to be imposed, "provided always that the steward, chamberlain, treasurer and comptroller of the king's house (and his kervers), and knights for his body and their wives, may [use and] wear furs of sables and ermine".¹⁹

The mayors of the city of London and their wives are given permission to dress like knights bachelors and their wives. The aldermen and recorders of London, as well as the mayors, bailiffs, sheriffs²⁰, recorders and aldermen of the various cities, towns and boroughs of England and the barons of

17. Stat. R., vol. ii, p. 399; Rot. Parl., vol. v, p. 504.

18. Ibid.

19. Stat. R., vol. ii, pp. 399-400.

20. That is, the sheriffs of such towns, cities, or boroughs as were counties corporate.

of the Five Ports", such as have been chosen and assigned or hereafter shall be chosen or assigned to do their service at the coronation of the king, our sovereign lord, or of [my lady] the queen",²¹ are authorized to wear" such array as before is limited to esquires and gentlemen before specified, having possessions to the yearly value of forty pounds".²²

The statute goes on to order that no man who does not possess an income of £ 40 or more a year shall wear miniver, lottice or certain other costly furs which are mentioned and that the wives, minor children, and servants of such men, as well as widows whose income is less than the sum named, shall not wear any of the furs alluded to, any girdles trimmed with gold or silver gilt, any silk fabric made outside of England, nor any kerchiefs "whereof the price of a plyght²³ shall exceed the sum of 3 s. 4 d.; upon pain to forfeit to the king for every default thereof five marks".²⁴ ~~the~~

Manial esquires, sergeants, mayors, recorders, etc. and their wives are as before exempted from the operation of this provision and are given permission to wear the prohibited furs, gilded girdles and kerchiefs costing 5 s. the plite.

Having stated what clothing the lesser nobility and persons possessing moderate incomes might wear (or rather having set forth what they might not wear) the act of 1463-64 next deals with people with very small incomes indeed,

21. Stat. R., vol. ii, p. 400.

22. Ibid.

23. Or "plite". A plite meant a fold or square, every one of which was presumably a complete kerchief. (Strutt, Dress and Habits, vol. ii, p. 108 note.)

24. Stat. R., vol. ii, p. 400. The fines are stated in "marks" in the older versions of the statute, and in "pounds" in the later. In the version quoted here, we have a mixture of marks and pounds indicating that it was written in a period of transition when the terms were used interchangeably. (See Strutt, Dress and Habits, vol. ii, p. 108, note.)

namely, less than 40 s. a year. It ordains that they shall not wear any fustian²⁵, bustian²⁶, fustian made in Naples, any scarlet cloth, nor any fur, except black or white lamb. All the municipal officers mentioned above and menial servants of the yeoman class, serving gentlemen, and others possessing incomes of £ 40 a year, are again excepted. All others who disobey this section of the statute must pay a fine of 40 s.

Following this section come some curious provisions which are clearly intended to give the monopoly of the newest fashions to the wealthy and nobly born.²⁷ Thus, for example, yeomen and all persons below that rank are forbidden, after the Feast of Saint Peter, in the year 1465, to use or wear in their clothing any stuffing of wool, cotton or other material, any pads ("holsters", as the act calls them), or anything more than a lining in their doublets, under pain of having to pay a fine of 6 s. 8 d. Knights below the rank of lords, as well as squires, gentlemen, etc. are prohibited from wearing, after a certain date, any gown, jacket or coat which is so short that it does not extend below the hips. Jackets shorter than this, though very fashionable at the time,²⁸ were apparently considered indecent by the legislators, and anyone below the rank of a lord who wore such garments was liable to a fine of 20 s. Tailors were forbidden to make for anyone any gown, etc. shorter than the prescribed length or any doublet stuffed contrary to the statute. The act also attempted to regulate the long, pointed shoes, which had been for so long in vogue and had called forth so many scathing remarks from the satirists, by providing that no one lower in rank than a lord should wear any shoes or boots having pikes more than two inches long

25. Fustian was a kind of coarse woollen or cotton cloth. (~~See above, p. 114.~~)

26. Bustian was a kind of cotton fabric formerly used for waistcoats, etc.

27. Clinch, *English Costume*, pp. 61-62. For a summary of the provisions of most of the English sumptuary laws, see Clinch, pp. 60-67.

28. See above, p. 114.



and by forbidding shoemakers to make for any such persons shoes or boots with points longer than the prescribed length.

Agricultural laborers, common laborers, and servants to artificers living outside of cities were forbidden to use any cloth costing more than 2 s. the broad yard,²⁹ any hose costing more than 14 d. a yard, or any girdles trimmed with silver. Their wives were not to be allowed to wear any higher priced clothing than men of the same rank could wear nor any kerchiefs costing more than 12 d. the plite. "And because that [coverchiefs] daily brought into this realm do induce great charge and cost in the same"³⁰ it was ordered that no one, after a specified date, should sell in any part of England any lawn, niefles³¹ or kerchiefs of any other kind costing more than 10 s. a plite, under pain of forfeiting 13 s. 4 d. to the king.

As in the earlier acts of apparel, the justices of the peace and the mayors of cities and boroughs were given power to inquire into and punish offences against the statute. Provision was made for appeals to be taken from their decisions to "youre Juges of plees afore you to be holden".³² In hearing cases arising under this act, the justices were to determine them "by like processe, and in like manere and fourme... as is by them usually used of trespas doon with force and armes ayens youre peax, and after atteyndre like execution".³³ The fines mentioned in the act, so Parliament directed, were to be applied towards the expenses of the king's household.

29. Compare with 37 Edward III, c. 8, where servants of artificers are forbidden to wear cloth costing more than 2 marks for the whole amount required to make a garment.

30. Stat. R., vol. ii, pp. 401-402. See also Rot. Parl., vol. v, p. 505.

31. "Nifels" or "nyefles" - probably a sort of veil. (Strutt, Dress and Habits, vol. ii, p. 108, note.)

32. Rot. Parl., vol. v, p. 505.

33. Ibid.

The last paragraph of the act contains a long list of people, in addition to those already mentioned, to whom its provisions are not to apply, as for example, persons engaged in performing divine service, the judges of the various courts, the keeper of the rolls and other officials, scholars at English and foreign universities, heralds, messengers, minstrels, "players in their interludes", etc.;³⁴ "provided also, that this ordinance do in no wise extend to any manner of array necessarily to be [worn] in war or in [the feats] of the same".³⁵

The act of 1463-64 was, it should be noted, more detailed in its provisions than any of the earlier acts which we have discussed, with the exception of the statute passed exactly a hundred years before in the thirty-seventh year of Edward III's reign. Like the latter, the act which has just been discussed was negative ^{or prohibitive} rather than positive ^{or prescriptive} in character. That is to say, it did not direct the English people to wear certain kinds of fabrics or certain styles of dress, but simply told them what they must not wear. That policy was pursued in most of the English sumptuary laws, probably because it was easier for the legislators to tell people what not to do than to think out and set up a positive standard of conduct in regard to dress for them to follow. The statute of 1463-64 also resembled several of the earlier laws in that it left the punishment of offences against the act, unfortunately, so it seems, mainly in the hands of justices of the peace and of municipal officers, - unfortunately, because, even if these officials kept any records of the cases coming before them, such records do not seem to be available in this country. A mine of possibly very valuable information

34. Stat. R., vol. ii, p. 402.

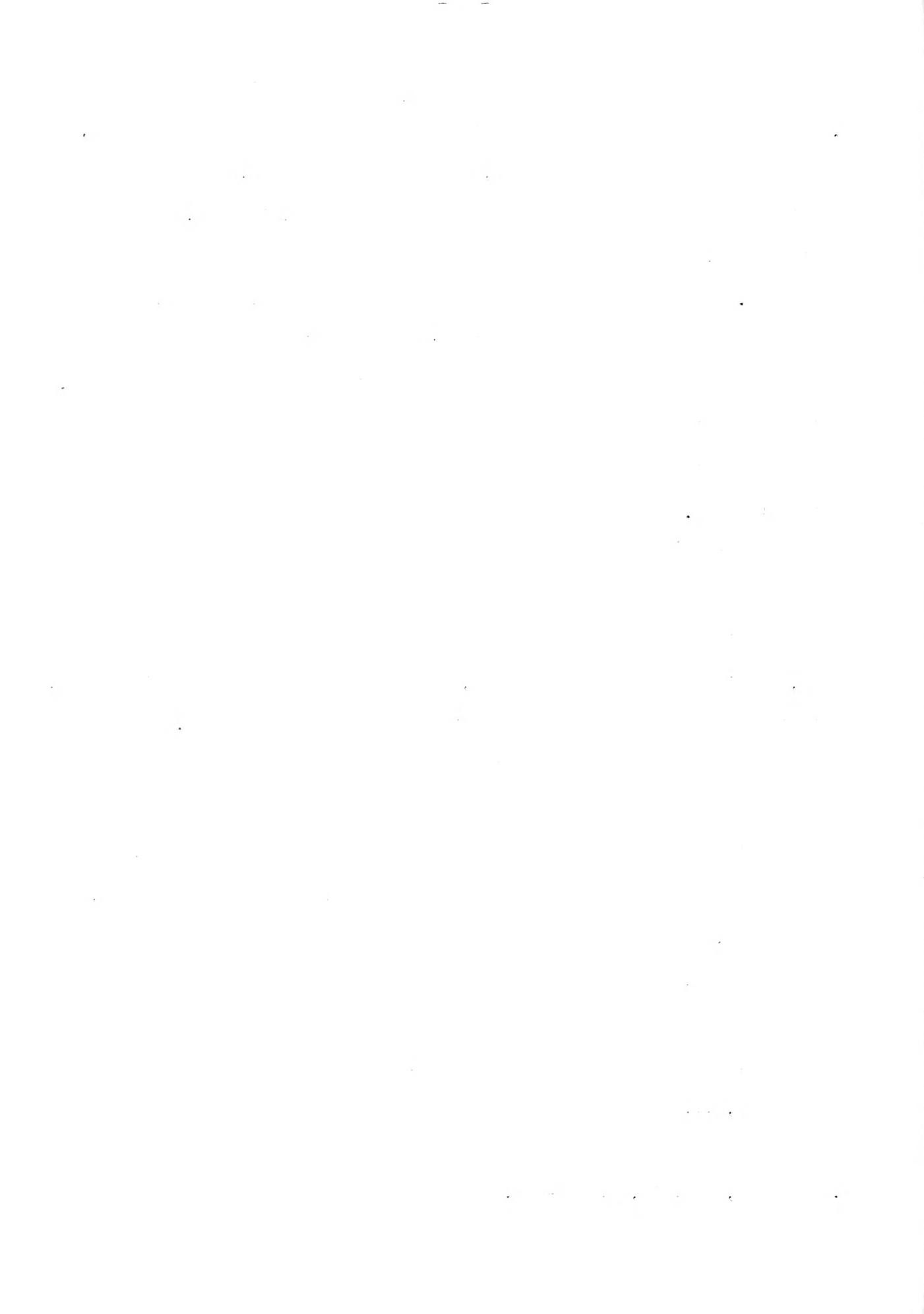
35. Ibid.; also Rot. Parl., vol. v, p. 505.

bearing on the enforcement of the English sumptuary laws is thus closed to us. A slender bit of evidence tending to show that some attempt was made, at least in the period of Edward IV, to enforce these laws, may perhaps be found in the statement made by a secondary writer that, in 1463, a tailor was fined 20 s. for making a garment with very wide sleeves, supposedly bag sleeves.³⁶ No authority is given for this statement, however, nor are we told by whom the tailor was fined; these omissions naturally made this piece of evidence less valuable than it might otherwise have been. One is as much in the dark with respect to the enforcement of the sumptuary laws passed during the reign of Edward IV as one is with regard to the earlier statutes.

There is one respect in which the act of 1463-64 differs from some of the earlier and later acts of apparel. It does not apply to all of the classes in the community, with the exception perhaps of the highest one of all, as did some of the other acts, which ran right down the social scale, forbidding each class to wear certain fabrics or styles of dress. The law which has just been discussed applies only to the lesser and poorer nobility and to the classes below them, and reserves to persons of means or of high birth the right to wear the more costly fabrics and the newer styles.

The provision as to shoes with pointed toes, the wearing of which, as has been seen, was to be permitted so long as the pikes did not exceed two inches in length, seems to have been hard to enforce, judging from the number of regulations issued with regard to the matter within the space of two or three years. Speaking of the act of 1462, the Parliamentary History of England says, "...Notwithstanding the destruction and misery the Civil Wars

36. Calthrop, v 1. ii, p. 120-121.



had occasioned [the excessive vanity then used in dress or apparel] was grown to a very great height. One thing in particular was the extravagant way the People then had got of adorning their feet. They wore the peaks or pikes of their shoes so long that it encumbered them in their walking, and they were forced to tie them up to their knees. The Gentlemen did it with chains of silver or silver gilt; and those who could not afford to be at that charge with silk laces. This ridiculous fashion had been in some measure used ever since Richard II's time".³⁷ It was still strongly entrenched at the beginning of Edward IV's reign and was apparently very hard to dislodge.

The year after the passage of the statute of 1463-64, it was ordained "that no person cordwainer or cobbler within the city of London or within three miles of any part of the same city, be he within franchise or without, do to be made after the feast of Easter...³⁸ any shoes, galoches, or huseas,³⁹ with any pike or poleyn that shall pass the length of two inches, which shall be judged by the wardens or governors of the same mystery".⁴⁰ Shoemakers were also forbidden to sell any of their wares on Sundays or on certain other days, and the penalty for doing so, as well as for making shoes with pikes more than two inches long, was to be a fine of 20 s. The following year, according to Stowe, "it was proclaimed throughout England that the beaks or pikes of shoes or boots should not exceed two inches, upon pain of cursing by the clergy and forfeiting 20 s., one noble to the king, another to the cordwainers of London and the third to the chamber of London".⁴¹ Evidently

37. Parliamentary History of England, vol. 1, pp. 424-425.

38. Easter, 1465.

39. Buskins (Strutt, Dress and Habits, vol. ii, p. 110)

40. Stat. L., vol. iii, p. 381 - 4 Edward IV, c. 7. This act was repealed by 14 and 15 Henry VIII, c. 9. (Stat. L., vol. iv, p. 162)

41. John Stowe, Annales, p. 419 (quoted in Strutt, Dress and Habits, vol. ii, pp. 110-111.)

it was felt necessary in this case to call to the aid of Parliament the royal power, backed up by the authority of the clergy, and to issue a proclamation in addition to the statutes already enacted, but apparently even this did not suffice to rout the obnoxious shoes, as we find them mentioned at a later date.

Soon after the middle of the fifteenth century, somewhat of a change occurred in the prevailing styles of dress. In 1467, according to Monstrelet, "the ladies and damsels laid aside their long trains to their gowns, and in lieu of them had deep borders of furs of minever, marten and others, or of velvet, and various articles of a great breadth".⁴² The steeple headdresses, however (one-half or three-quarters of an ell in height) were still in fashion. Some wore them lower than this, with handkerchiefs (probably the kerchiefs mentioned in the acts of apparel) wreathed around them or draperies whose corners hung nearly down to the ground. Silken girdles of greater breadth than those worn earlier in the same century and very rich shoes were also much used, together with "golden necklaces much more trimly decked in divers fashions than they were accustomed to wear them".⁴³ At about the same time that these changes in women's dress were introduced, men began to wear even shorter jackets than before and very tight-fitting hose. The sleeves of the outer dress were often slashed to show the fine, white shirts beneath. Cloth bonnets, a quarter of an ell in height, were very fashionable. Knights and squires wore most sumptuous golden chains and even servants had jackets of silk, satin or velvet, often stuffed at the shoulders to make them appear broad, ^{although} the wearing of such padded jackets had been forbidden by the act of 1467-64. "There was not any little gentleman", so the chronicler goes on to say, "but would ape the nobles and the rich, whether

42. Monstrelet, Chronicles, vol. ii, p. 345.

43. Ibid., pp. 345-346.

they dressed in long or short robes, never considering the great expense or how unbecoming it was to their situation".⁴⁴ Of course, Monstrelet is speaking of conditions in France, but his description might equally well be applied to England, so the historians of costumes tell us.

Owing probably to the fact that the act of 1463-64 had not succeeded in checking extravagance in dress, the Parliament which met in 1477 passed another statute of apparel. The king had summoned no Parliaments for three years before that date. The houses assembled on January 16, 1477, and remained in session for about five weeks. No grants were asked for; most of the session was devoted to the trial of the Duke of Clarence for conspiracy. He was attainted and the Commons petitioned that he should be executed. On February 17, it was announced that he was dead. How he was killed, is not known.⁴⁵

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44. Ibid. p. 346. Although no attempt was made at this time to regulate the amount and kind of food that might be served, extravagance in the matter of food and drink was almost, if not quite, as prevalent as extravagance in dress and needed regulation quite as much as it had in the reign of Edward III, when, as the reader will recall, an act was passed prescribing the number ^{of courses} which might be served at dinner. (See above, p. 161) A description of "a dinner of flesh" (c. 1465) may be found in "The Boke of Nurture", by John Russell (1460-70). This dinner consisted of three courses, each one comprising many different dishes. The first course was composed of pottage, beef, mutton, stewed venison, swan, capon, pig, a concoction of sugar and wax and several other delicacies. The other two courses consisted of a similar number of edibles. (Bell's English History Source Books, 1399-1485, pp. 85-86.)
45. Political History of England, vol. iv, pp. 460-463. Thomas Rotherham, Bishop of Lincoln, made the speech setting forth the cause of the summoning of Parliament. William Allington was chosen as Speaker of the House of Commons.

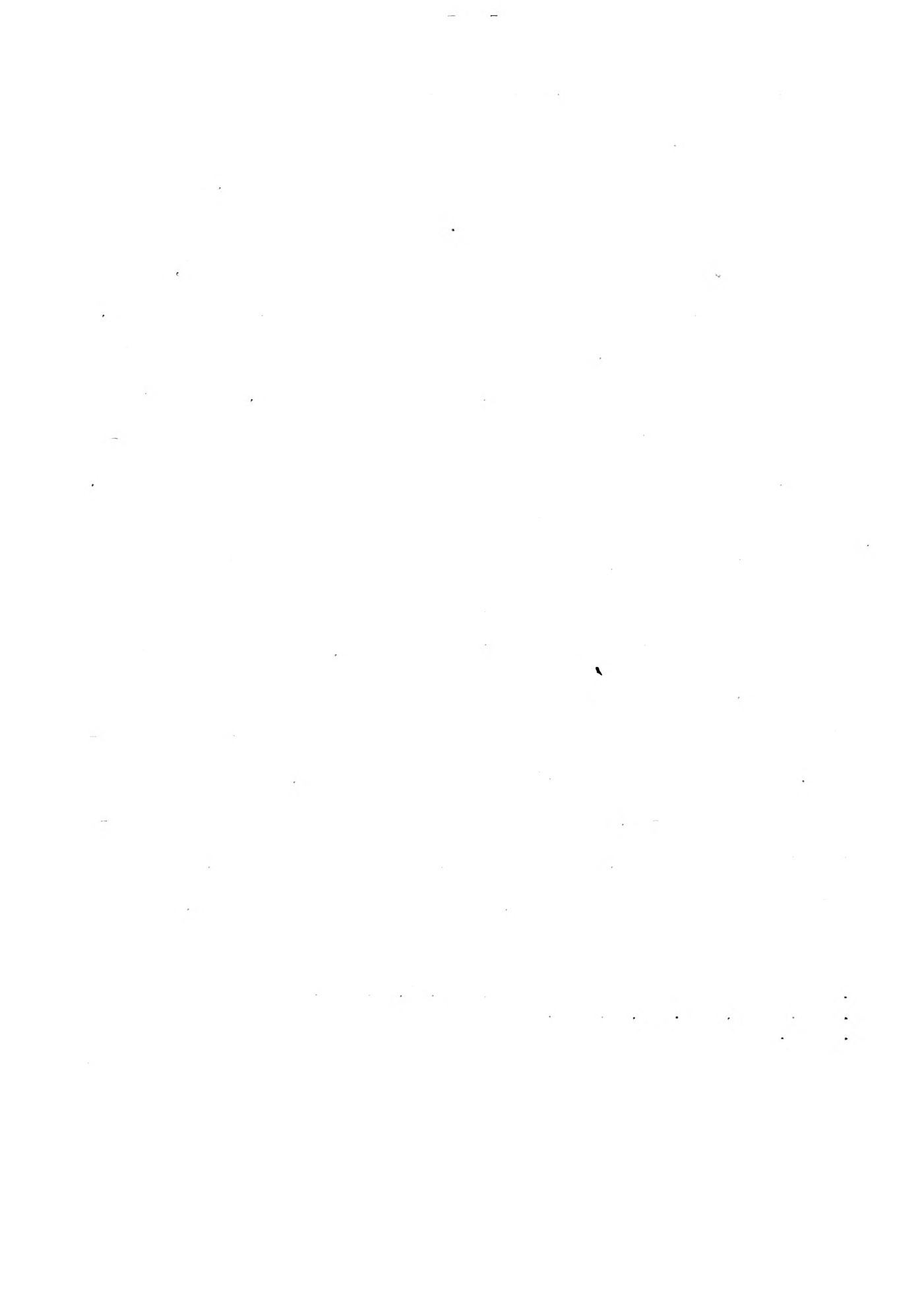
This Parliament found time in the midst of state affairs for some other matters. "On the petitions of the Commons some useful acts were made" among which was "a long act for regulating apparel, which had then grown to a very great extravagance."⁴⁶ The preamble to this statute declares "that where in your Parlement begon and holden at Westm', the 29 day of Aprill, in the third vere of youre noble roigne, amonges other, an ordenaunce and statute, conteynyng certeyn articles for th' apparell and aray of the comons of this reame, as well men as women, was made; and for lak of due execution of the same statute and ordenaunce more in-ordynate, excessive and outeragious array hath be sithen used then before, to the grettest ympoverysshyng in that that ever grew in this reame and more gretter is like to growe, if it be not reformed by putting in due execution the ordenaunce and statute aforesaid."⁴⁷

If one takes this statement at its face value, with due allowance for exaggeration, it points once more to the difficulty of enforcement or laxity of execution already observed in regard to English sumptuary legislation. In order to remedy this condition of affairs, the Commons asked that the act of 1463-64, together with certain additional provisions contained in their petition, should be sent, under the Great Seal, to the sheriffs of every shire in England, "and other places necessarie,"⁴⁸

46. Parliamentary History of England, vol. i, p. 434.

47. Rot. Parl, vol. vi, p. 188.

48. Ibid.



to be proclaimed throughout their bailiwicks. After the statutes had been thus proclaimed "for the contynuell remembrance to be had of the same",⁴⁹ the sheriffs were to deliver the copies of the acts sent to them to the justices of the peace in the varicus counties. The justices were then to "declare and proclayme the same statute and ordenaunce, in every their four generall, severall sessions there to be holden, for the better execution thereof to be had".⁵⁰

Owing to the fact that many of the English people had not observed the act of 1463-64 and that that statute was a penal law and needed, so the legislators thought, "larger explanation, declaration and addition upon the same,"⁵¹ the House of Commons petitioned that it might be ordained that the act of 1463-64 (with the additions mentioned above) should not go in effect until the coming Feast of Saint Michael and that no one should be punished for violating any of its provisions previous to that date. Since, in the earlier ordinance, nothing definite had been said about the kind of apparel that mayors, aldermen, sheriffs, bailiffs and other municipal officers should wear after having served out their terms of office, nor about the dress of the children of "honorable persones of this reame, havynge possessions to the yearly value of an C li. and above; nor what apparail persons having possessions under XL li. yerely, to the sum of XL s., might certeynly without inpeachment use",⁵² the petition of 1477 proceeded to rectify these omissions. Every person who had held, who was holding at that time, or who might hold in the future any of the municipal offices mentioned in the act of 1463-64, was to be permitted, together with his wife, to wear clothing similar to that

49. Ibid.

50. Ibid.

51. Ibid.

52. Ibid., pp. 182-189.

assigned by the same law to persons who had possessions which produced an income of £ 40 a year. No one, with the exception of those mentioned above, who did not possess an income of at least £ 20 a year was to use or wear any camlet, or any other silken or woollen cloth made outside of England, upon pain of forfeiting forty shillings for every offense. The wives and unmarried daughters of persons having an income of £10 and more were to be allowed to use frontlets⁵³ of velvet or of any other silken material, so long as it was black in color. It was also to be lawful, after the date fixed for the ordinance to go into effect, for the wife and unmarried daughters of persons having possessions worth £ 20 a year to use on their collars, sleeves, etc. satin, camlet, sarcenet or tarteron.⁵⁴ The wives and daughters of persons "worth" forty shillings or more a year might use in a similar way sarcenet or tarteron, anything in the act of 1463 to the contrary notwithstanding.

The justices of the peace and the chief officers of cities, boroughs, the Cinq Portes and of all corporate towns, were, as before, given authority to inquire into, try and pronounce sentence in cases arising under this law, as well as under the earlier act. Such cases might be appealed from the decision of the justices or of the municipal officers "to be had afore you in your benche",⁵⁵ but there, as in the court of first instance, they were to be determined in "like maner and fourme...as is...usually used of tres-passe doon with force and armes ayenst your peas."⁵⁶ However, instead of all the fines and forfeitures being applied, as had been previously ordained,

53. See above p. 116

54. For the meaning of "camlet", see above, p. 114 note. Sarcenet was a kind of fine thin silken fabric, used especially for linings. Tarteron seems to have been similar to the latter.

55. Rot. Parl., vol. vi, p. 189.

56. Ibid.

to the expenses of the king's household, the petition of 1477 requested that anyone who desired to bring suit in the king's behalf against any person who might disobey the act of apparel should be allowed to do so and should receive half of the sum forfeited by the offender. In this way, the royal and municipal officers would be able to obtain private aid against persons who refused to obey the sumptuary laws. This method of enforcement was later provided for in several of the laws of the Tudor period, when it seems to have met with at least some small degree of success.

The petition of 1477 ended with the declaration that every lady and gentlewoman, after the death of her husband, might "have her libertie to were and use all such and like aray, as she did or myght have doon in the life of her husband".⁵⁷ It is a noteworthy fact that this act was one of the few English sumptuary laws which told people what they should wear or which gave them permission to wear certain things. This fact distinguishes it from most of the other laws of the same kind, which were ~~negative~~ ^{prohibitive} rather than ^{permissive} ~~positive~~ in character.⁵⁸

The king gave his assent to the petition drawn up by the Commons, and it became a law on the date set for it to go into effect. During the same session of Parliament, an ordinance was adopted to the effect that no goldsmith or other person, after a certain date, should melt or beat within the realm of England, Wales, Calais "or the marches therof, any money of gold or sylver unbroken, sufficient to reune in payment, nor...breke any money of gold or sylver of this reame, able to reune in payment, to make any vessel or other thying therof, or to overgilde any thying therwith; nor that any

57. Ibid.

58. See above, p. 125.

goldsryth nor other persone, within this reame..., from the said fest of Ester, gilde any maner vessell, basyns, pottes, cuppes,...or saltsalers of sylver; ornamentes of churches, stuffe for knyghtes made or to be made, and apparail necessariely to be gilt for every such person dispensed by the Statute of Aray made in the third yere of your noble reigne, and in the ordenaunce of apparail made in this present Parlement, except..." The penalty for disobeying these regulations was the forfeiture of the value of the money so molten, beaten or broken, or of the value of the vessels or other objects which had been gilded contrary to law.⁵⁹ This ordinance is inserted here because of the reference which it contains to two of the acts of apparel passed during the reign of Edward IV and because it shows that the later of these two statutes had not entirely superseded the provisions of the earlier one with regard to gilded clothing but that certain classes were still allowed, under both laws, to wear costumes decorated in that way.

In 1483, owing, once more, to the failure of the government to enforce the earlier sumptuary laws, the Commons again felt impelled to present a petition dealing with the subject of dress. Just about this time, Edward, who for the past seven years had been receiving a pension from France, saw that trouble with that country was coming sooner or later, in spite of his desire to keep the peace and thereby retain his pension. The conflict finally came when the French king repudiated the match which had been arranged between his son and Edward's daughter, because he had decided that France would reap greater advantages if the Dauphin should marry Margaret of Burgundy. The king of England was very angry at the slight thus put upon him and by writs of summons, dated at Westminster, November 15, in the

59. Rot. Parl., vol. vi, p. 184. For other provisions contained in this ordinance, see *ibid.*

twenty-second year of his reign, he commanded Parliament to meet at the same place on January 20, 1483. About five years had elapsed since the last dissolution. On the appointed day, which chanced to be Monday, Parliament assembled in a room in the palace at Westminster known as the Chamber of St. Edward. The king himself was present. The lord chancellor, Thomas Rotherham, Archbishop of York, made a speech setting forth the reason why Parliament had been summoned and John Wood was chosen Speaker of the House. The misdoings of the French government were then described, and the Houses voted money for the defense of the realm. In return for their complaisance, the Commons were allowed to pass acts dealing with matters of trade, livery and maintenance, etc. The king was set on conciliating all classes of his subjects because of the oncoming war in which he desired their support. Among the acts which Parliament was for this reason and "for the advantage of the public"⁶⁰ allowed to pass was another statute of apparel, the third enacted during this reign.

This statute originated in a petition drawn up by the House of Commons in which they prayed "that it may please youre Highnes to calle to your gracious remembraunce that dyvers statutes touchyng the restreynte of the excessive apparell of the people of this realme within the same by longe tyme used, to the utterist impoverishyng therof, aswell in the tyme of youre gracious reigne, as in the tyme of youre noble progenitours, hath ben made and ordeyned; for noun due execution of which Statutes, thys youre seid Realme is brought into over grete mysery and povertie and like to reune to gretter, on lesse then remedy therfore be soner provided".⁶¹ This preamble

60. Parliamentary History of England, vol. i, p. 438. See also Political History of England, vol. iv, p. 465 ff.

61. Rot. Parl., vol. vi, p. 220 - 22 Edward IV, c. 1. See also Stat. Realm, vol. ii, p. 468 ff., and Stat. L., vol. iii, p. 454. The preambles in the two latter differ from the preamble in the Rot. Parl. which, of course, contains the Commons' reasons for presenting such a petition; and in the body of the act there are some slight differences in wording, but the substance of the provisions is the same in all three.

is very similar to the preambles of the two earlier petitions dealing with the same subject which had been drawn up during this reign. Like them, it speaks of the failure of the executive to enforce the statutes of apparel and the misery and poverty resulting therefrom and expresses the fear that this misery will increase unless extravagance in dress is checked.

The king gave his assent to the requests made by the Commons in the petition of 1483 and a statute was enacted which forbade all English subjects, no matter what their rank, with the exception of the king, the queen, and the king's mother, children, brothers and sisters (in other words, with the exception of the royal family) to wear any cloth of gold or purple silk, upon pain of having to pay a fine of £ 20 for every offence. As before, purple was evidently regarded as a royal color and reserved for the use of those high in rank. No one below the rank of a duke might wear cloth of gold of tissue and no one below the rank of a lord might wear plain cloth of gold. The fines for wearing these fabrics were to be twenty marks and ten marks respectively. Men below the rank of knights were forbidden to wear any velvet in their doublets or any velvet, damask or satin in their gowns (although squires of the king's body might do so). The fine in this case was forty shillings. No yeomen of the crown, nor anyone else below the rank of a squire or gentlemen, were to be allowed to wear in their doublets damask or satin, or camlet in their gowns. The fine in this case also was to be forty shillings. The use of woolen cloth of foreign manufacture or of sable furs by anyone lower in rank than a lord was also forbidden, as it had been once or twice before, out of a desire apparently to protect and encourage the English woolen industry. A fine of £ 10 was to be imposed for every failure to observe this provision.

Servants in husbandry (in other words, agricultural laborers), common laborers, servants to handicraftsmen living outside of cities or boroughs,

and their wives, were prohibited from wearing any cloth which cost more than 2 s. the broad yard.⁶² The wives of such persons were also forbidden to wear any kerchiefs costing more than 20 d. the plight;⁶³ and the men themselves were commanded not to wear any hose whose price should exceed 18 d. the pair. The fine for disobeying these provisions was to be 40 d.

In addition to the foregoing, it was also ordained that the justices of the peace in every shire and the chief officers of all cities, boroughs and towns corporate should have power to enforce the acts in exactly the same manner and by the use of the same judicial process that had been provided for in the two preceding statutes of apparel enacted during the reign of Edward IV. As before, also, it was stated that cases arising under the act might be appealed to the royal courts. All the penalties and forfeitures, except those within the county palatine of Chester, Exhamshire and the bishopric of Durham, for which special provision was made, were to go towards the expenses of the king's household, "provided alway that thys acte extende not nor be in any wise prejudiciall to or for any woman except the wifes and servaunts of laborers."⁶⁴ In the two acts immediately preceding the act of 1482, the wives of the persons mentioned in the statutes had been included with their husbands and placed on a plane of equality with them in the matter of dress, so that this exemption of women was a distinct change in policy. The reason for it is not clear, unless the legislators had come to believe that it was hopeless to attempt to put a curb on the feminine love of dress.

By the statute of 1483, all other ordinances and statutes of apparel were repealed, and it was provided that this act should go into effect after

62. Compare this provision with similar provisions relating to the lowest class of people in the earlier and later acts of apparel.

63. See above, p. 122, *note 23*.

64. Rot. Parl., vol. vi, p. 221.

the coming Feast of the Epiphany. The last section, which seems almost as if it were an after-thought on the part of the legislators, is one which repeats the injunction of the earlier laws of Edward IV that no man shall wear any gown or cloak, which is not long enough, when he is standing upright, to reach below his hips, upon pain of having to pay a fine of 20 s. One of the most singular features of the act and one which distinguishes it from other English laws of the same class, is the fact that eleven persons, all of whom are mentioned by name, are given permission to wear what they please, "purpull and cloth of gold oonly except".⁶⁵ Most of the men mentioned were knights, "and probably always candidates for ribbands upon every vacancy".⁶⁶ One of them was the dean of the king's chapel, another the treasurer of his household, and a third his secretary. These three were probably specially favored because of the services which they rendered to their royal master.

On the whole, it may be said that the act of 1483 made the regulations with regard to apparel more stringent than they had been earlier in the reign, or at least more wide-spread in their application, since its provisions extended to a larger number of classes of people, one of them even applying to everybody in England, with the exception of the royal family. In this law, as in the other laws of Edward IV, a specific penalty is provided for each offense, not one general penalty for all offenses as had been done in the laws of some of the preceding reigns. The statements found in the preambles to the petitions drawn up by the Commons, and the absence of any references to these laws in the chronicles of the period make it seem probable that, so far as enforcement went, the laws of Edward IV met with the same fate

65. Rot. Parl., vol. vi, p. 221.

66. Barrington, Observations on the More Ancient Statutes, p. 424.

as the statutes which had preceded them. There is no more evidence with regard to enforcement in the law-reports of this period than there is in the chronicles, a state of affairs which naturally tends to substantiate the theory that the statutes were not enforced, since, even though their enforcement was entrusted for the most part to justices of the peace and local officers, who perhaps did not keep any permanent records, provision was made for appeals to the royal courts. Surely if the statutes of apparel had been executed as the legislators intended them to be, some of the cases arising under them would have been appealed to the higher courts and some reports of them would have been preserved. And yet no such reports can be found.

In addition to the sumptuary laws which we have been discussing other laws of a paternalistic character were enacted while Edward IV was on the throne. In 1477, the same year in which one of the acts of apparel was passed, a long statute regulating the playing of games became a law. Discharged soldiers, recently returned from France, had spread throughout England, perhaps more widely than ever before, the camp vice of gaming and betting. It is this fact which is supposed to have called forth the law of 1477,⁶⁷ which declared that "whereas by the laws of this land no person should use any unlawful games, as dice, coits, tennis, and such like games, but that every person strong and able of body should use his bow, because that the defence of this land was much by archers, contrary to which laws, the games aforesaid and many new imagined games, called clossh, kailles, half-bowl, hand in and hand out⁶⁸ and queckboard be daily used in divers parts of this land as well by persons of good reputation, as of small

67. Barrington, Observations on the More Ancient Statutes, p. 421.

68. Perhaps a kind of cricket. See *ibid.*

having: and such evil disposed persons that doubt not to offend God in not observing their holy days nor in breaking the laws of the lands to their own impoverishment and by their ungracious procurement and encouraging do bring other to such games, till they be utterly undone and impoverished of their goods to the pernicious example of divers of the king's liege people."⁶⁹ In order to encourage the practice of archery, just as the earlier acts dealing with games had attempted to do, and also to put a stop to the evil results of gambling as stated above, it was ordained that anyone who should permit other persons to play clossh, kailes, half-bowl, hand in and hand out or queckboard in his house, tenements, gardens, or any other place within his control should be imprisoned for three years and made to pay a fine of £ 20 for every offence. Anyone who should play such games was to be subject to two years imprisonment and a fine. The stringent penalties attached to this act probably made it one of the most severe laws ever passed against gaming.

It is interesting to compare with this law a statement made by Margery Paston in a letter to John Paston, dated December 24, 1484, in which she describes the sports used in two noble households of her acquaintance. These sports did not include "dysgysyngs, ner harpyng, ner lutyng, ner syngyn, ner non lowde dysports, but pleyng at the tabylls and schesse and cards." Such pastimes and no others were the people in those households allowed to engage in. It must be remembered that the Pastons were Puritans. Perhaps their friends were of a similar persuasion and therefore very careful about the games which they played. At any rate, none of the games forbidden by law appear in their list of amusements.

69. Stat. L., vol. iii, p. 445 ff. - 17 Edward IV, c. 3.

Only one statute with regard to victuals was passed during the reign of Edward IV, and that did not alter the old assize of bread and ale, but simply provided that the chief officers of every municipal corporation should have "the searching and surveying of victual"⁷⁰ and annulled all letters patent previously granted to searchers and surveyors of articles of food and drink, etc.⁷¹

Among the police regulations of the time, one or two measures dealing with liveries and maintenance (measures which were intended to prevent conspiracy) must be mentioned. The subject of maintenance was of great importance during the Wars of the Roses, because it was in this way that the armies of the contending factions were in the main raised. Clear-sighted statesmen saw that they must stamp out the practice of granting liveries if they wished to put an end to civil war.⁷² During the session of Parliament which was held at Westminster beginning November 4, 1461, the lord chancellor, George, Bishop of Exeter, told the Houses that the king had issued a proclamation against the giving of liveries and badges, contrary to law and against maintenances, robberies and murders, "all and every of which the bishops, lords and commons there present promised to obey and to see observed throughout the kingdom".⁷³ This promise was evidently not very well kept, since, in the eighth year

70. *Ibid.*, p. 422 ff. - 12 Edward IV, c. 8. For some of the duties performed by the mayor and aldermen of Bristol, see Robert Ricart, *The Maire of Eristowe Is Kalendar*, pp. 96-97.

71. *Stat. L.*, vol. iii, p. 422 ff. - 12 Ed. IV, c. 8. An act regulating the length and breadth of certain kinds of cloth (8 Edward IV, c. 1) and another regulating the exportation of wool and woolfels (12 Edward IV, c. 5) were also passed during this reign. See *Stat. L.*, vol. iii, pp. 397 ff., 413 ff. and cf. above pp. See also Henry VI, c. 4. The latter was a law regulating the brewers in Kent and providing that none should make more than 100 quarters of malt in a year. (*Stat. R.*, v. ii, p. 374.)

72. Traill, *Social England*, vol. ii, p. 333-374.

73. *Parliamentary History of England*, vol. i, p. 422-423.

of Edward's reign, it was found necessary to enact a law which confirmed all the earlier statutes of livery and which stated in its preamble that many persons were constantly breaking the laws dealing with this subject. The act of 7 and 8 Edward IV, like several of the laws which had preceded it, ordered that no one should give liveries or badges to or retain, except in time of war, any persons except those who might be retained to serve by indenture or who were their menial servants, etc. This was probably the most vigorous act yet passed against the custom of granting liveries, since it did not rely entirely on the justices of the peace or local magistrates for its enforcement, as had the earlier laws, but specified that cases arising under it might be tried by the Court of King's Bench, the Court of Common Pleas, and commissions of oyer and terminer, as well as by the justices of the peace. It declared that every informer should be admitted to sue in the courts both for the king and for himself, being only required to swear to the truth of his assertions, and such information was to stand instead of a bill or original writ.⁷⁴ This provision went far to legitimize extraordinary procedure by bill, information and examination, and thus made more easy the enforcement of laws which the local magistrates had feared to execute because of the wealth and power of the offenders with whom they had to deal. In studying these laws, it must be remembered that the question of liveries formed but one detail in the statutes directed against maintenance and intended to prevent conspiracy against the crown. Liveries were only a means to an end - a method of recruiting a small army of retainers who would back one up in time of need. The dress details involved in this question were not in any sense connected with sumptuary legislation.

74. Rot. Parl., vol. v, p. 633; Stat. L., vol. iii, p. 399 ff. - 8 Edward IV, c. 2. See also Selden Society, Select Cases Before the King's Council (1243-1482) vol. xxxvi, pp. xxi, xxxviii, xliii.

8 Edward IV, c. 2, was followed, four years later, by another act⁷⁵, which exempted the Prince of Wales from the operation of ~~its~~ *the* provisions, *of the earlier law* and left him at liberty to retain followers and grant his liveries, signs and badges to them at his pleasure. This was the last *statute* ~~law~~ of the kind passed while Edward IV was on the throne. During the brief reign of his successor, Richard III, no acts pertinent to our subject were recorded in the statute books.

75. Stat. L., vol. iii, p. 413 - 12 Edward IV, c. 4.

CHAPTER IV

SUMPTUARY LEGISLATION UNDER THE TUDOR SOVEREIGNS

Henry VII (1485-1509), the first of the Tudor kings, not only founded a strong dynasty and set the key-note of a decided and successful policy; he was also the original possessor of the peculiar Tudor character, the union of immovable resoluteness with the highest degree of tact, by which those rulers accomplished so much. At the time of his death, he had the highest reputation in Europe for wisdom and wealth. Henry found England torn by factions, he left her peaceful, united, orderly; he found her isolated, he left her powerful and important in the councils of the nations.

His reign, which is apt to be overshadowed by the tremendous issues of the next four reigns, has often been called dull, although it was, in reality, a time of varied and dramatic action. It was preeminently a period of transition. It was marked by new ideas and new influences - the beginnings of modern England; but these ideas and influences were as yet only in germ. The New Monarchy, which is the term applied by Green to the period when England was governed by kings who were practically absolute, was firmly established by Henry VII. Its advent not only marks the beginning of a new development of kingship, which alone was able to cope with the turbulence of a widespread revolution in all departments of thought and life, but also involves the triumph of the new executive over the old legislative powers. Parliament recognized willingly the necessity of a strong monarchy, as a counterbalance to the overgrown power of the great lords, and did all in its power to secure a vigorous succession to the throne. However, although, during the Tudor period, the legislative

branch of the government was in general subservient to the executive and the king, in theory, could do everything, in practice he found it very difficult to carry on the work of government without the counsel and consent of the estates. Moreover, the rule of the Tudor kings, although undoubtedly absolute, was popular with the majority English people.

During the Tudor period the position of crown, Parliament, and church was altered. A new era in foreign policy set in, a great expansion of commerce took place. The epoch saw a remarkable outburst of life and freedom in enterprise, learning, art, literature, and religion, and later on in politics. The New Monarchy was based on the new forces of a new age - on commerce, which replaced feudalism, and on individualism which replaced the old ecclesiastical system. Henry VII crushed the old baronage, began tentatively the construction of a new nobility and aided in the growth, if not in the creation, of the middle classes. It was the definite aim of the Tudors to pose as social reformers. Their whole policy was marked by a systematic care for trade, and for the middle and lower orders. In the sixteenth century, the commons for the first time assumed a leading position in Parliament.

In military matters, Henry VII's policy was to destroy the system of maintenance which had superimposed itself upon the old national system, and to render the county levies free from all baronical influence and loyal to himself. He thus inaugurated a policy which was continued by all the Tudors. His aim was to provide a trustworthy national force. In order to effect his purpose, he revived the militia system, and compelled counties to supply a certain number of men, according to their

means. He was more occupied with the suppression of the custom of maintenance than with schemes of foreign aggression. Henry understood, however, that the best way to insure peace is to be prepared for war. He also comprehended the principles and realized the importance of commerce. England's sovereignty over the narrow seas was maintained while he was on the throne, and voyages of exploration and discovery were encouraged. These voyages were continued in greater numbers in the succeeding reigns.

Turning to the industry and agriculture of the period, we find that farming remained absolutely stationary for a time and even tended to decay as a result of the beginning of the enclosure system and the continuous extension of sheep-farming. Though England was still mainly a farming country, the decay of agriculture resulted in the flocking of rural laborers to the towns and the consequent increase of manufactures. By the date of the accession of Henry VII, English artisans were able not only to supply much of the home demand, but also to sell their goods to foreigners. Although the conditions under which the laboring classes lived were, in some respects more unhealthy, dangerous, and disagreeable than those now endured by any but the very poorest, nevertheless it seems probable that the masses of the English people were better supplied with the bare necessities of life in the reign of Henry VII than in any other reign before that of Victoria. Much of Henry's commercial legislation was based on the idea that the national wealth depended on the amount of gold and silver in the

country, that the drawing out of treasure for foreign products must be stopped, and that English manufactures must be protected from foreign competition. These economic ideas sometimes manifested themselves, just as they had done at an earlier time, in the clauses of some of the sumptuary laws enacted during the Tudor period.⁽¹⁾

A man of mark in those days lived somewhat ostentatiously, and proclaimed to everyone his rank, by his dress, his house and his following. At the close of the fifteenth century, the dress of the English people was said to be so fantastic and absurd that it was difficult, at a little distance,⁽²⁾ to distinguish one sex from the other.⁽³⁾ Men wore petticoats over their lower clothing. Their doublets were laced in front over a stomacher⁽⁴⁾ and their gowns were open down to the girdle and from the girdle down to the ground, which they generally touched. These gowns sometimes had tight sleeves, slashed at the elbows to show the shirt beneath, and sometimes loose, wide sleeves without any slashing. Soon after the accession of Henry VIII, the petticoats were laid aside and close hose and breeches were adopted.

In a brass in the church of Brown Camdover, Hants, dating from approximately the period of Henry VII, the male

(1) The foregoing account of conditions in the time of Henry VII is taken from Traill, vol.ii, chap. VIII, passim.

(2) See Strutt, Dress and Habits, vol.ii, pp.142-143, also The Antiquary, vol. xix, p.231.

(3) This word came originally from petti+coat, meaning a little coat, and was sometimes used to signify a waistcoat or short coat.

(4) A stomacher was an ornamental covering for the chest and stomach, worn originally by both men and women.

and female costumes of the time is portrayed. Monuments and tombstones furnish us with much of our information with regard to clothing worn in this reign. In the brass just mentioned, the man is dressed in a brown undercoat, with a short, green tunic lined and edged with fur over it. Around his waist is a steel girdle and attached to it a gypciere - a large, red purse edged with steel. His shoes are very broad at the toes, instead of being very long and narrow, as they had been during the preceding reign. His shirt is pleated and has a very low collar, which exposes the whole of the neck. The lady is arrayed in a long gown, apparently made of crimson or purple velvet, cut square at the neck, with tight sleeves, and small in the waist. She wears a rich girdle (with a long metal pendant, which hangs down in front and which is attached to the belt by a large buckle) and a low, pleated collar. Her headdress is a high stiff cap, covered with net, which hangs down to the waist behind. Over this is an embroidered
(5)
gold veil.

At the meeting which took place in 1506, two miles outside of Windsor, between Henry and the King of Castile, it is said that the English king rode a bay horse, with trappings of needle work, and wore a gown of purple velvet, a chain with a figure of St. George hanging from it, and a hood

(5) A.D.C., "An Unique, Unknown, Sepulchral Brass", in The Antiquary, vol.xix, p. 231.

of purple velvet, in addition to a hat. The king of Castile was dressed entirely in black, with a black velvet gown, a black velvet hood, a black hat and a black horse-harness. One of the escort wore a coat which in color was lead-green and white. The body of the coat was covered with goldsmith's work and the sleeves were full of spangles. John Carr and William Farr, who were also present, were dressed alike, in "coats of goldsmith's work on the bodies, the sleeves one stripe of silver, the other of gold." The clothing of another member of the party was "one half of green velvet, the other of white cloth of gold." The rooms prepared for the king of Castile were "seven chambers together, hanged with cloth of Arras, wrought with gold as thick as could be, and as for three beds of estate, no king christened can shew such three."⁽⁶⁾

Luxury and ostentation in dress and manner of living was not confined to the king and the nobles. Even the clergy were guilty of it. Skelton, the poet laureate of Henry VII reproached the ecclesiastics for their pride and immorality. He says the bishops

"Ryde, with gold all trappy'd
 In purpall and pall belapped,
 Some hattyd and some cappyd,
 Richly and warm wrapped,
 God wotte to their grete paynes!
 In rochetts of fynes reynes

.....

(6) Paston Letters, vol.iii, letter 953 (Jan. 17, 1506).

And tabards of fyne sylke,
 And styroppes with gold beglozyd;"⁽⁷⁾

Despite such extravagance, very few laws of a sumptuary character have come down to us from the time of Henry VII. A curious order or ordinance "for wearing of aparelle," drawn up by Margaret, Countess of Richmond, the mother of Henry VII has, however, survived. This ordinance was intended to govern "princes and estates, with other Ladies and Gentlewomen, for the tyme of mourning."⁽⁸⁾ Whether it was supposed to apply to the whole country or only to regulate the mourning to be worn at court is not stated, but presumably the latter was the case, as Margaret had no authority to legislate for England as a whole.

The first section of the ordinance issued by the Countess directed "the greatest estate to have their surcott, with a trayne before and another behynde, and their mantells with traynes, and the greatest estate the longest trayne, with hoodes and tippets, as hereafter appeareth; and that in no manner of wise beakes be used, for the deformity of the same"⁽⁹⁾. Evidently the long-toed shoes, which had so frequently attracted the attention of the legislators in the reign of Edward IV, were still worn, though they were fast going out

7. Quoted in Strutt, *Dress and Habits*, vol.ii, p.160. For pictures of the costumes worn in the reign of Henry VII, see Green, vol.ii, pp.588,590,591,597; Strutt, *Dress and Habits*, vol.ii, plates 135-139 (16th Century); and Martin, plates 30 and 31.

8. Strutt, *A Complete View of the Manners, Customs, Arms, Habits, etc, of the Inhabitants of England*, vol.iii, pp.165-167.

9. *Ibid.* (quoted from Harleian M.S., 6064).

of style.

The ordinance proceeded to regulate the mourning apparel which might be worn by people of different ranks, beginning with the queen, who was to be permitted to wear a surcoat with longer trains, both in front and behind, than those of anyone else, and a plain hood "wythoute clokes".⁽¹⁰⁾

The tippet attached to the queen's hood was to be "of a good length and in breadth one nail and an inch". When a certain period of mourning had elapsed, the queen might have her mantle lined with black satin or double sarcenet. If furred, it must be with ermine powdered with black according to the wearer's pleasure. The king's mother, as well as his unmarried daughters, sisters and aunts, were to dress exactly like the queen, though the latter must wear their trains and tippets shorter than those of the royal consort.

The queen's sister, so Margaret of Richmond provided, must dress like a duchess, in a surcoat and plain hood resembling those of the royal family. The tippet worn by a duchess, however, was only to reach to the ground and to be but a nail plus half an inch in breadth. After the first three months of mourning were over, she might have her mantle lined or furred, but only with ermine powdered "at the ende of the ermyne, saving that between every powdering, must be as mucche space as the lengthe of the ermyne".⁽¹¹⁾ The mourning

10. *Ibid.*

11. *Ibid.*

costumes of all the other ladies at the court, such as, marchionesses, countesses, baronesses, lord's daughters and knight's wives, down to all the queen's gentlewomen (except the chief ones) and "esquiers wives for the body",⁽¹²⁾ were also regulated. The lower one was in rank, the shorter and narrower must one's tippet be and the less fur was one allowed to wear. "All other, the quenes gentlewomen" were directed "to wear sloppes or cot harders and hoodes and clokes; the tipettes a yard longe, and an inche broad, to be pinned on the sydes of their hoodes. Every one, not beyng under the degree of baronesse, to weare a barbe above the chynne,⁽¹³⁾ and all other, as knyghtes wiefes, to were it under there throte,⁽¹⁴⁾ and other gentlewomen beneathe the throte roll".⁽¹⁵⁾

Baronesses were forbidden to wear gowns made with a train behind. The trains attached to the fronts of their gowns were not to be more than eight inches wide and must

12. Ibid.

13. A sloppe was a mourning cassock which did not open in front.

14. Cote hardies. The references to tippets and cote-hardies sound as if, in mourning costumes, the fashions of the preceding reigns were being *imitated*, since those garments either had gone out or were fast going out of style in the reign of Henry VII.

15. A barbe was a piece of linen pleated into folds, worn by widows or women in mourning, especially during the fourteenth and fifteenth centuries. It was worn either over or under the chin and falling straight down to the breast. (Clinch, pp. 130-131).

16. Strutt, Manners and Customs, pp. 165-167

be tucked up under the girdle or held over the left arm. All "chamberers"⁽¹⁷⁾ were ordered to wear hoods with capes attached, but without tippetts. After the first month of mourning, no one might wear a hood in the presence of her betters, except when working, etc. This singular ordinance was evidently a regulation of court dress, such as Victoria or the present Queen Mary might prescribe. Perhaps Margaret of Richmond acted somewhat in the capacity of a "mistress of ceremonies" at court after her son's accession to the throne of England and issued her instructions accordingly.

The only statute dealing with apparel which was enacted during the reign of Henry VII, was an act relating to caps which was passed in 1487.⁽¹⁸⁾ The year in which it became a law was also the year in which a Yorkist uprising took place in Ireland. The rebels invaded England, but were defeated by Henry at Stoke. Parliament met at Westminster on November 9, and passed a bill of attainder against the leaders of the late conspiracy. Among the many laws of lesser importance which this Parliament enacted was one which read as follows: "No hatter or capper shall sell any hat above the price of 20 d. the best, nor any cap above 2 s. 8 d. the

17. A chamberer is one who attends in a chamber - a chambermaid.

18. Stat. L., vol. iv, p. 41 - 4 Henry VII, c. 9 (~~See next page~~).

best, upon pain to forfeit 40 s. for every hat or cap
 sold above."⁽¹⁹⁾

It might not be amiss to state here that the fashionable headgear for men during the reign of Henry VII consisted of broad, felt hats or caps, and of bonnets of velvet and fur, profusely trimmed with feathers. Sometimes this large, plumed hat or cap was worn slung behind the back, while the head was covered with a smaller cap of velvet or gold network. Hoods were only used on official habits.⁽²⁰⁾ Hats such as have been described were doubtless quite expensive. No figures on this subject seem to be available for the latter part of the fifteenth century, but Thorold Rogers, in his "History of Agriculture and Prices", states that, in 1418, a beaver hat sold for 2 s. 10 d., and that, in 1432,⁽²¹⁾ "a beaver hat with marten skins" brought 12s. Whether or not the price rose even higher as the century progressed, it is evident that quoted above was in the main an attempt

19. Stat. L., vol. IV, p. 41 -- 4 Henry VII, c.9. A similar act fixing a maximum price for hats and caps of foreign manufacture was passed in 1529 (21 Henry VIII, c.9). The latter was confirmed by 1 Mary, Stat. II, c.11, which also forbade anyone to buy more than a dozen hats or caps of foreign manufacture, evidently with the intention of protecting home industries. The last two statutes were repealed by 1 James I, c.25, and the one first mentioned by 21 James I, c.28, paragraph 11.

20. Pictorial History of England, vol. II, p. 657.

21. Rogers, Agriculture and Prices, vol. III, pp. 575-577.

at pricefixing, similar to the earlier laws regulating the prices of articles of food and drink which have been discussed in preceding chapters and was passed with the intention of putting a stop to profiteering so far as hats and caps were concerned. It may perhaps, however, be said to have had, at least to some slight extent, the character of a sumptuary law (though whether its makers so intended it, there is no means of knowing), inasmuch as it prevented the individual from paying more than a certain amount for his headgear, and thus, if he were in the habit of buying high-priced hats, curtailed one item of his expenditures. But it must be admitted that it did not limit the kind or number of hats which anyone might possess. (22)

In addition to the regulations with regard to apparel, two statutes prohibiting the use of unlawful games were passed during the reign of Henry VII, one in 1494, and one in 1503-04. They provided, among other things, that no apprentices, laborers, artificers or servants in husbandry should play at "the Tables, tenys, dyse, cardes, bowles, nor (23) (24)

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22. In 1436, another price-fixing law had been passed forbidding the selling of long-bows for more than 3 s. 4 d.
23. **¶** Henry VII, c. 2, paragraph 4, and 19 Henry VII, c. 12, paragraph 2. (See Stat. L. vol. iv, pp. 55, 95).
24. Sir Thomas Elyot in "The Governour" (1531) said: "Tenese seldome used and for a little space is a good exercise for yonge men". In the sixteenth century, tennis courts were quite common in England. The game was popular with Henry VII and VIII, James I and Charles II. Henry VIII and Charles I and II had special costumes made for it. Charles I was told by his father to play "at the caitcher, or tennise, although but moderatly not making a craft of them". ("Tennis" by Andrew Hibbert, in The Antiquary, vol. xvi, pp. 71, 72).

(25)

eny other unlawful gamys but in Christmas." The primary purpose of these acts, like that of the earlier laws dealing with the same subject, seems to have been to encourage the practice of archery on Sundays and holidays. The long-bow was still the principal weapon of the English army during the reigns of Henry VII and Henry VIII, though in some quarters it was beginning to be felt that arrows were less effective than bullets. Nevertheless, the bow was not finally discarded until the time of Elizabeth, or even later, and it therefore seems fair to conclude that the two statutes with regard to unlawful games were primarily dictated, by a desire to preserve the English skill in archery. The Parliamentary History of England in commenting on these laws, however, says that in the statutes of Henry VII "the punishment of vagabonds and the forbidding of unlawful games to servants...and the suppressing of alehouses were coupled together, as strings of one root.." This would seem to indicate that the laws dealing with unlawful games were also police regulations, intended to suppress idleness and disorder.

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25. Ibid., p. 95. Both of the acts mentioned above were repealed by 33 Henry VIII, c.9, paragraph 17. 19 Henry VII, c.4, forbade shooting with the crossbow, except under certain conditions. This statute, too, was intended to encourage the use of the long-bow. See Stat. R., vol.ii, pp. 649-50.
26. By 1503, when the latter of these acts was passed, the old English statesmen were all either dying or dead, and new men were taking their places. Cardinal Morton died in 1500, and Sir Reginald Bray in 1503. The last parliament of Henry's reign met in January, 1503.
27. Parliamentary History of England, vol.i, pp. 466-467.

No new laws regulating the prices of bread and beer or ale were passed while Henry VII was on the throne, but, in the Customs of Hereford, we find evidence that efforts were still being made to enforce the old assizes, which had by now been on the statute books for several hundred years. The Customs of Hereford were first placed on record in the reign of Henry V, but were rewritten in 1486. They formed a sort of charter for the town. In this document, it was stated that at the sessions of the town courts, especially the two "first courts holden after the feasts of Michaelmas and Easter...the assize of bread and beer shall be ordained, and keepers to keep the same assize"⁽²⁸⁾ shall be appointed. Anyone who broke the assize was to be amerced for the first and second offences and for the third to be sent to the cucking stool.

(29)

In the Parliament which is said to have begun on January 13, 1490, a law limiting the prices of coarse and fine cloth was enacted. This act wisely refrained from

28. W. Garmon Jones (comp.), English History Source Books - York and Lancaster, (1399-1485), pp. 19-22. See also Journal of British Archaeological Association, vol.xxvii, p. 460 ff. In the "Customs" may also be found regulations as to vagabonds and scolding women. Two laws providing for the suppressing of alehouses by justices of the peace were passed during the reign of Henry VII, (See ¶¶ Henry VII, c. 2., Stat. L., vol.iv, p.55, and 19 Henry VII, c. 12, ibid., p. 95).

29. Parliamentary History of England, vol. i, p. 460.

"prescribing prices" in detail and confined itself to
 "stinting them not to exceed a rate"⁽³⁰⁾ In other words, the
 statute simply set a maximum price for cloth, a plan which
 was followed in most of the price-fixing regulations, in-
 stead of stating the exact price for which each article must
 be sold.

Several years later in retaliation for a high cus-
 tom duty imposed upon English goods by the people of Venice,
 Parliament passed an act⁽³¹⁾ which provided that henceforth every
 butt of Malmsey imported into England must pay custom, but
 that the price of Malmsey per butt was not to be more than
 L.4 sterling. This statute was only to remain in force until
 the Venetians should repeal their law. The price-fixing
 feature of the act was in this case merely incidental to
 the retaliatory economic legislation. Such laws as this one
 are introduced here for the purpose of comparison with the
 sumptuary statutes and in order to indicate the spirit of
 the age. They must not be regarded as falling under the head
 of personal regulation.

30. Ibid. See Stat. L., vol. iv, p.41 - 4 Henry VII, c 8.
 The author (or compiler) of the "Parliamentary History"
 says that it was "a rare thing to set prices by statute,
 especially upon our home commodities". This statement
 is not correct. As we have seen before, maximum prices
 had several times been fixed by law. During the same
 session of Parliament, other acts were passed "providing
 for the maintenance of drapery, and the keeping of wools
 within the realm" (Ibid) For laws governing the export
 of wool, see above pp. II Henry VII, c.27 also dealt with
 cloth. It was directed against the "unlawfull and
 deceyptfull makinge of Fustyans" (Stat.R., vol.ii,p. 591)
31. 7 Henry VII, c 7, in Stat. R., vol.ii, p.553; 7 Henry VII,
 c. 8, in Stat. L., vol. iv, p.54.

Several "statutes of livery" were enacted during the reign of Henry VII. One of these was passed in 1486-87,⁽³²⁾ and another in 1503.⁽³³⁾ These were, of course, not sumptuary laws, but ordinary police regulations. They prohibited the giving or taking of liveries in any part of the realm during the king's lifetime, and the retaining of the king's officers or tenants by any other person or persons.

Henry VII's policy with regard to maintenance was not formed at once. He remained more or less silent for several years taking stock of the difficulties to be faced and the instruments to be used. It was not until 1487 that he spoke out. He summoned Parliament and declared to it, through Chancellor Morton, his conviction that the great evil to be grappled with was the frequency of "riots and unlawful assemblies of people and all combinations and confederacies of them by liveries, tokens and other badges of factious dependence"⁽³⁴⁾. The king urged that laws should be passed to deal with these matters. The earlier laws on the subject had been poorly enforced and ineffective, as is proved by the petitions sent up to the king by the commons and by the large number of acts closely resembling one another which had been passed during a comparatively short space of time.⁽³⁵⁾

32. Statutes at Large, vol.IV, p. 37 - 3 Henry VII, c 12.

33. Ibid., p.96 - 19 Henry VII, c.14. For further details with regard to this law, see Stat. R., vol.ii, pp.658-659. A.F. Pollard, "Council Star Chamber, and Privy Council under the Tudors", in the English Historical Review, vol. xxxvii, pp. 356, 527.

34. Lord Eustace Percy, The Privy Council Under the Tudors, p.1 ff.

35. Selden Society, Select Cases in the Court of Star Chamber, vol.xvi, p.xcvii.

It was reserved for Henry VII to carry out the intentions of his predecessors and really to check for the first time the practice of maintenance and the granting of liveries.

The Commons complied with Henry's request by the passage of the act dealing with liveries which has already been referred to (3 Henry VII, c. 12) and of another act which was long regarded as the original and sole statutory foundation of the Court of Star Chamber. ⁽³⁶⁾ Mr. Pollard, in a recent series of articles in "The English Historical Review", denies that the court was established by this act. He believes that the Statute had little or nothing to do with the ⁽³⁷⁾ Star Chamber and that its provisions were inconsistent with what we know of the personnel, practice and procedure of that court. His views are too long to be set forth here. Suffice it to say that he comes to the conclusion, that the act of 1487 should probably be interpreted in the light of another act passed the same year (number 26 on the roll of Parliament) whose object was to give the steward, the treasurer and the comptroller of the king's household (or anyone of them) power to try, together with a jury composed of twelve members of the household, and to condemn for felony any members of

36. Stat. L., vol. iv, p. 27 ff. 3 Henry VII, c. 1

37. The word "chamber" is in itself misleading, for while we now talk about a house containing several chambers, it was possible in the Tudor period to talk about a chamber containing several houses. The star chamber was, before the end of this period, a three story building with a kitchen and at least three other rooms in it: the large room generally indicated by the words "star chamber" when used alone; the inner star-chamber; and a third room, on the east side of the building overlooking the river, in which suitors could wait and distinguished visitors watch the course of the proceedings.

of the household under the estate of lords (who were, of course, entitled to be tried by their peers for felony) for confederacies, conspiracies, etc. The reason alleged for this act was the "destruction of the kings and the near undoing of this realm", owing to quarrels among those in "great authority, office, and of council with the kings of this realm", and to the fact that "by the law of this land, if actual deeds be not bad, there is no remedy for such false compassings"⁽³⁸⁾.

Henry VII's foes were of his own household. In the first few days of his first Parliament, he had caused the members of his household, the peers, and the commons assembled in Parliament, solemnly to forswear retainers, maintenance, liveries, embraceries, riots and unlawful assemblies, which he regarded as the mainsprings of the civil wars by which England had so long been torn. Shortly afterward he had seen some of these very men indulging in the practices they had forsworn. The so-called Star-Chamber Act was, so Pollard thinks, intended to strike at the heart of the evil, its entrenchment in the king's household. It was difficult to strike by means of the Council in the Star Chamber a huge, unwieldy body, which contained some of the worst offenders. Hence the small, but powerful personnel of the committee set up by that act, a committee which consisted of the Chancellor, treasurer, lord privy seal, two chief justices,

38. Ibid., p. 526.

a bishop and a baron, who would be nominated by the king or at his dictation. Hence, too, the privacy of the proceedings and the absence of regular records. It was no part of Henry's design to advertise in a public court, like the star chamber, the misdemeanors of his household officials. The act establishing the household court did not deprive the court of Star Chamber of its jurisdiction over similar offences committed outside the royal household. Its object was to bring the more intimate offenders before a more intimate tribunal. No star chamber record has been found of the fine traditionally imposed on the Earl of Oxford for breaking the laws in the king's sight. "Oxford was not a person whom Henry could afford to traduce in public; it is probable that the earl was fined by the Committee set up by the act of 1487.⁽³⁹⁾

How long this committee continued to act is uncertain. Except in the statute books, there are few traces of

39. Ibid. The act of 1487, says Percy, which, in accordance with the usual custom of the Tudor sovereigns, established on a statutory basis a jurisdiction long enjoyed by the council, dispelled all doubt as to the instrument of government which was to be used by the Tudors. Even before this time, there had been indications that the council was being employed to the full extent of its power. It was formed in the first days of Henry VII's reign not so much of the nobility of the realm, as of "vigilant men and secret:" Morton, Fox, Bray, Foynings, Edgcombe, and Guildford. The Tudor period was one of peculiar interest in the history of the council. It was not the time of its greatest power, but under Henry VIII it gained control over every department of government. The royal policy was carried out through the vast machinery of which it had come to be the center. (See Percy, p.1 ff.)

(40)

its existence. However that may be, it seems fairly certain that the Court of Star Chamber did not exercise a jurisdiction which was created for the first time in 1487, but one which had appertained to the king's council in the mediaeval period. Though Parliament had carefully avoided designating the council by name and had only in vague language recognized its authority in this class of cases, it had nevertheless for many years persistently turned over to it petitions dealing with maintenance and liveries. The law of 1487 stated, as an established fact, that cases involving maintenance and similar questions pertained to the jurisdiction of the council sitting in the Star Chamber.

(41)

The definite legal recognition of this part of the council's jurisdiction, which seems to have been due to long-felt need, rather than to any new influence which made itself apparent after the accession of Henry VII, marked an important step forward in the enforcement of the laws relating to maintenance and liveries. From this time on, the Star Chamber handled more and more of the cases arising under

40. No tribunal corresponding with this committee is mentioned in the act of 1504. Possibly it had done its work and purged the king's household. More probably its inactivity after Morton's death in 1500 was due to the fact that the great Seal had fallen into the feebler hands of Deane and Warham. It is very probable that Wolsey, soon after he became chancellor in 1515, transferred to the Star Chamber jurisdiction over household misdemeanors. There was nothing in the act of 1487 to prevent this. (Pollard, pp. 527, 528).

41. Selden Society, Select Cases Before the King's Council, (1243-1482), vol. xxxvi, p. xxxi.

these acts. Unlike the ordinary courts, it was not afraid to punish great nobles for violations of the law. Backed up by the king, it was powerful enough to try and punish some of them for granting liveries contrary to the statutes, thus gradually putting an end to a dangerous practice and restoring law and order, "too long overset by the great baronial families"⁽⁴²⁾.

Under Henry VIII, who came to the throne in 1509, the royal power grew stronger year by year and revealed itself in more and more startling forms. Before his death, he was exercising, with no open breach in constitutional forms, over a nation still proud of its instincts of freedom and jealous of political innovation, a self-willed authority that amounted to a real despotism. From 1485-1529, the date of the Reformation Parliament, the country was governed to a great extent without Parliaments. After that date, the king controlled the legislative body and used it as his mouthpiece.

The changes from Mediaeval to modern England now became apparent - the change from the age of rights to that of powers, from the Catholic to the Reformed system in church and state. The new condition of affairs was symbolized

42. Political History of England, vol. v, p.16 ff. In addition to the acts dealing with maintenance already mentioned as having been passed during the reign of Henry VII, the Parliament which was summoned to meet at Westminster, November 9, 1488, passed a law "for the better peace of the country; by which law the king's officers and farmers were to forfeit their places and holds in case of unlawful retainers, etc." (Parliamentary History of England, vol. i, p.457).^{the} Parliamentary History further says, "As for riot and retainers there passed scarce any parliament in this time" (the reign of Henry VII), "without a law against them, the king ever having an eye to might and multitude". (Ibid., pp. 466-467).

by the revival of learning, by the legal recognition of the king as the head of the church and by the dissolution of the monasteries, though few changes in liturgy were made. Another innovation was the rise and influence of the middle classes in the place of the gentry of race who, already impoverished by the civil wars, were, to a great extent, ruined by the extravagance of the court of Henry VIII. They fell into debt, pawned their estates, and were succeeded by their tenants or by the opulent merchant class.

Trade owed much to the Tudor kings. Henry VII had encouraged the commercial classes; Henry VIII continued this policy. The king's extravagance tended at first to stimulate trade, by raising prices and encouraging many branches of industry. But, even at first, it probably injured the mass of the wage-earners by raising the cost of living more than it raised average wages, and, in the long run, it was certainly disastrous to the nation. Taxes had to be levied to pay for the king's luxuries, and the war in which he became involved added to the national burdens and interrupted the growing commerce. Moreover, Henry's persistent reckless expenditures led him on to great confiscations and to the debasement of the currency, which produced terrible social evils and disorders. In fact, England passed, during his reign from a state of prosperity and content into one of industrial misery and confusion, indeed, almost of bankruptcy.

(43)

43. As to social conditions under Henry VIII, see Traill, (*illus. ed.*) vol. iii, p. 1 ff.

In the sixteenth century, sumptuary laws were everywhere multiplied. They were turned against all innovations or enjoyments which people wished to forbid or restrain. The use of tobacco, coffee and tea was forbidden in many European countries. Hygienic reasons for the passage of such laws were often inextricably entangled with economic reasons. Sumptuary legislation was also frequently inspired by commercial protectionist policies, as when in England, for example, the use of silk was forbidden in order to protect the domestic woolen industry. (44)

Much of this new, or rather renewed interest in sumptuary legislation was due to the Reformation and to the stricter views with regard to personal conduct and to the duty of the state to regulate such conduct which grew out of that movement. The idea of personal regulation was, of course, (after the Reformation) not a novel one, but the daily habits and life of the people began to be more and more affected by moral laws and precepts. The reformers constantly invoked the aid of the law to keep the citizens in what they considered a healthy moral condition, with the result that old regulations were renewed and amplified and new ones enacted. In England, as has been seen, the beginning of sumptuary legislation had long antedated the Reformation, but there, too, the sixteenth century saw a fresh impetus given to the passage of such laws.

44. Baudrillard, vol. iii, p. 445.

During that century, the English monarchy reproduced the magnificence of the French court. "Henry VIII, is in his fashion a British Francis I. Less of an artist, he is not less ostentatious. His bonnet of velvet, shaded with an ostrich plume, his quest of gaudy colors, of silk and velvet, his magnificent attitude on horseback in shining armor, his head shaded by white plumes, all that makes of him a magnificent roi de parade"⁽⁴⁵⁾. Great sums of money were wasted on his pleasures, and his elaborate court functions demanded large expenditures on dress and ornamentation. Consequently, the sixteenth century marks an epoch in the history of English costume. All of the Tudor kings were magnificent in dress, but Henry VIII and Elizabeth were two of the most gorgeously clad sovereigns England has ever known.

In the chronicles of the time, there are numerous descriptions of public functions, at which costumes of the most costly kind were worn. Stowe, in describing the wedding of Prince Arthur and Katherine of Aragon (who later became the wife of Henry VIII) says, "Wonderful it was to behold the riches of apparel worn that day, with the poisant chains of gold....Also the Duke of Buckingham wore a gown wrought of needle worke, and set upon cloth of tissue, furred with sables, the which gown was valued at L.1500. Sir Nicholas Vause, knight, wore a gown of purple velvet, pight with

45. Baudrillart, vol. iii, pp. 447-448.

46. Stowe mentions in particular two chains worn on this occasion, one of which was worth £.1400 and the other worth £.1000.

pieces of gold so thick and massie that it was valued in golde, besides the silke and fur, a thousand pounde".....⁽⁴⁷⁾.

Tailors, embroiderers and goldsmiths prepared all sorts of wonderful garments for the coronation of Henry VIII. Lords and ladies, knights and esquires appeared on that occasion decked out in the finest clothes that money could buy. Henry himself wore a robe of crimson velvet, furred with ermine. His jacket or coat was of raised gold, embroidered with diamonds, rubies, emeralds, pearls and other stones. The Duke of Buckingham was again resplendent, in a gown made completely of goldsmith's work. The knights and squires wore crimson velvet; the Trapper of the King's Horse shone in gold damask and ermine. There was no scarcity of cloth of tissue, cloth of gold and silver, embroidery, chains of gold, etc. The queen was dressed in embroidered white satin, with her hair down her back and a coronal around her head. Her ladies wore cloth of gold, cloth of silver, "tynselles", and velvet, "everyone after their degrees"⁽⁴⁸⁾.

Dating from this period, there are many descriptions of tournaments at which the knights were often dressed in velvets and cloth of gold. When the Emperor Charles V visited England, a very elaborate tournament and pageant was held in his honor. The trappings of the horses ridden by

47. John Stowe, *Annales or a General Chronicle of England*.

48. Hall, *Chronicles*, vol. ii, pp. 2, 3, 9.

two of the jousts were made of russe velvet, with knights embroidered on them riding up golden mountains, "and all the upper parte of the saam bardes powdyrd with clowdes purfyllid and wrought with venys gold and venys sylver". (49)

At the masquerade ball which was held in the evening, after the tournament was over, blue and black velvet buskins, velvet bonnets, and crimson satin mantles were provided by Henry. These costumes were kept by the guests.

When Henry himself went abroad, he lived with no less magnificence than he did at home. Everyone knows where the famous Field of the Cloth of Gold got its name. In describing the scene which took place on that field, Hall says, "He were much wise that could have told or shewed of the riches of apparel that was amongst the lords and gentlemen of England - cloth of gold - cloth of silver - velvettes - (50) tinsens - sattins embroidered - and crimson sattins. The marvellous thressor of golde that was worne in chaynes and baudericks so great, so weighty, some so manifolde....that the golde was innumerable...; and every honest officer of the king, was richly apparelled and had chaynes of golde, great and marvellous weightie". (51) The English ladies wore dresses made in the French mode, by which, so the chronicler thinks, they lost in modesty more than they gained in grace. The French, he thinks were superior in magnificence, but the English surpassed them in taste.

49. Tinsel.

50. Archaeologia, vol. xlvi, p.315.

51. Hall, Chronicles.

Women were not less extravagant in regard to dress than were men in the reign of Henry VIII. Margaret, queen of Scotland, sister of the English king, is said by Sir Christopher Garneys to have had with her, when she escaped from Scotland, twenty-two gowns made of cloth of gold and silks. She sent to Edinburgh for more and was "going to have in all haste"⁽⁵²⁾ a gown of purple velvet, lined with cloth of gold, and a gown of crimson velvet furred with ermine, besides three other gowns and three satin kirtles.

Some of the clergy, too, seem to have been very fond of display. Cardinal Wolsey is said to have surpassed all his predecessors in pomp and luxury. His household was very magnificent. He is supposed to have had a master cook "who went daily in satin and velvet, with a gold chain"⁽⁵³⁾, and other followers who dressed in an equally costly manner. All the furnishings and fittings of his house resembled those of a king.

With so much ostentation, it was no wonder that a foreigner, who visited England in the early part of the sixteenth century, wrote home, in regard to the English people, that "they all from time immemorial wear very fine clothes"⁽⁵⁴⁾. Two distinct kinds of styles were worn, both by men and by

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52. C.F.Martin, "Sir John Daunce's Accounts of Money Received from the Treasurer of the King's Chamber," in *Archaeologia*, vol. XLVII, p. 304.
53. *Harleian Miscellany*, p. 102.
54. Charlotte A.Sneyd, (trans.) "A Relation of the Island of England", in *Camden Society Publications*, no.xxxvii.

women, during the period of Henry VIII, namely the German-Swiss style and the English style. The German style was that slashed, extravagant-looking fashion, so often seen in the paintings of Dürer and Holbein. In most of these portraits, the shirt is cut low in the neck and sewn with black embroidery. There is usually a little waistcoat, ending at the waist, cut straight across from shoulder to shoulder and tied with thongs of leather or colored laces to the breeches, thus leaving gaps which the shirt exposed.

(55)

The sleeves, like the breeches, took a great variety of forms, were of any odd assortment of colors, were cut, puffed and slashed all over, so that the shirt might be pushed through the holes. This gave the entire costume a "blistered" look. Separate pairs of sleeves were often worn with waistcoats (or petti-cotes, as they were called). The favorite sleeve trimming was broad velvet bands. On the head were worn little, flat caps with the brim cut out at intervals or the large, flat hats of the previous reign covered with feathers and curiously slashed. Cloaks were worn over the German style of dress, also overcoats shaped much like the modern dressing gown.

The English style of dress was however more commonly

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55. From the blistered, padded breeches of Henry VIII's reign were derived the trunks of the Elizabethan period - garments in which the slashings had grown into ribbon-like slits.
56. The custom of wearing "blistered" clothing is said to have originated in 1477 when the Swiss routed the Duke of Burgundy at Nantes. The soldiers, whose clothes were in rags, cut and tore up his silk tents, banners, etc. and made themselves garments. Their clothes were still so torn and ragged, however, that their shirts puffed out of every rent. The courtiers copied this curious freak in clothes, and blistering became the fashion. (Calthrop, vol.iii, p.31) I give this account for what it is worth.

worn than the peculiar German style. In this style, the tendency of the shirt was to come close about the neck, where the hem of the shirt was drawn by laces into a frilled collar which took many different shapes. Bull-necked gentlemen usually wore the collars of their shirts turned down and tied with linen strings.

The waistcoat was really a petti-cote or little coat (a waist-coat with sleeves) generally made of richly ornamented material which was sometimes slashed and puffed. The waistcoat could be worn either with or without sleeves, which were generally detachable. Over the waistcoat was worn a coat or doublet, usually made with skirts and of plain material, such as velvet, fine cloth, silk, or satin. Such coats were cut in a variety of ways - open to the waist, open all the way down the front, etc. Sometimes the coat had sleeves, sometimes the waistcoat sleeves were allowed to show. The doublet was held in at the waist by a sash of silk, tied in a bow with short ends. Towards the end of the reign of Henry VIII, coats with sleeves and high-necks and with their skirts cut shorter, in order to show the full trunks beneath, became more generally worn. The waistcoat was by this time almost entirely done away. The collar of the shirt grew as time went on and spread into a ruffle or sort of folded pleat around the neck.

The overcoat of the period of Henry VIII was the loose gown of the previous reign, cut off usually not far below the knee, though it was still worn long by some. The collar of the overcoat was a wide affair, stretching well out

over the shoulders and made of the materials with which the garment was lined, such as fur, satin, silk, cloth of gold, and other costly fabrics, the use of which was regulated by the sumptuary laws. The most fashionable sleeves were puffed and swollen, barred with appliqué designs or strips of fur, and generally reached only to the elbow where they ended in hems of fur or of some rich stuff. However, sleeves varied in every possible way.

Doublets were frequently puffed out above the shoulders or provided with mahoitres or wing-like wadding. This dress was censured at the time as clumsy and inconvenient. Fitzherbert declares that "men's servants, to whom the fashions of their masters descend with their clothes, have such pleytes upon theyr brestes and ruffes upon their sleeves above their elbowes that, yf theyr master or themselves hade never so great neede, they could not shoote one shote to hurt theyr enemyes, tyll they had caste of theyr cotes or cut of theyr sleeves".⁽⁵⁷⁾

Beneath the outer garments were worn trunks - loose little breeches, which were puffed, rolled and slashed. The slashes were hardly ever straight, but usually took the form of an elongated "S" or double "S" curve. Other slashes were squared at the top and bottom. Soon after the accession of Henry VIII, the custom of wearing petticoats over the lower garments was abolished. All men wore tight hose, in some cases puffed at the knee and slashed. It is generally believed

57. Quoted in Strutt, Dress and Habits, vol. ii, p. 143.

that silk stockings were unknown in England before the middle of the sixteenth century, but they were certainly known to Henry VIII, since several pairs were found in his wardrobe after his death. Shoes were very broad, sometimes stuffed into a mound at the toes. They were frequently sewn with precious stones (especially seed pearls, a device much used in embroidering gowns) or cut and puffed with silk. (58) (59)

The note of the times in women's dress was the evolution of the hood. Bit by bit the plain fabric was enriched, each succeeding step resulting in the elaboration of the simple form. The border next to the face was first turned back, then the hood was lined with fine stuff, which showed to advantage where it was turned back. Next the sides were split and the back made more full; then tags were sewed on the sides by which the cut pieces might be fastened off the shoulders. The front was now stiffened, shaped to an angle and sewn with jewels. As the angle left

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58. In an inventory contained in a manuscript in the Harleian Library in the British Museum, we find the following articles listed: "One pair of short hose, of black silk and gold woven together; one pair of hose of purple and venice gold, woven like unto a cawl, and lined with blue silver sarsenet, edged with a passemain of purple silk and of gold; one pair of hose of white silk and gold knit," etc. (Strutt, Dress and Habits, vol. ii, p.149).
59. Holbein's portraits of Henry VIII furnish the best evidence as to the costume of that monarch which we possess. His most favored costume seems to have consisted of a richly ornamented doublet, sometimes made of cloth of gold, enriched with jewels and slashed perpendicularly at frequent intervals, a surcoat of some crimson material or of cloth of gold embroidered with gold and lined with ermine and a richly jewelled flat cap with a flowing feather. He wore, in addition, chains, rings and a variety of other jewellery. Close-fitting hose and very elaborate, square-toed shoes completed his dress. (Clinch, p.68 ff.)

a gap between the forehead and the point of the hood, a pad was used to fill in the vacant space, with the result that the diamond-shaped headdress worn in this reign was finally evolved. This headdress was elaborated in almost every possible way. It was often made with a white lining and a jewelled turnover. Jewels were used criss-cross, in small groups, and in great masses. Pendants hanging from jewelled chains, wound usually twice around the neck, were very fashionable. Large brooches with drop ornaments attached to them were pinned on bodices. Lawn shifts or partlets, worn with low-cut dresses as a partial or complete screen for the neck and bosom, were often delicately embroidered with black silk or gold thread and decorated with a band of jewels. The shift was usually cut square, following the shape of the bodice and was sometimes open in front, in order to display the necklace.

The waists of women's gowns were generally cut square in the neck and stiffened to a box-like shape. The sleeves of the gown were narrow at the shoulders and fitted the arm down to about six inches below the shoulder. From there on, they widened gradually, until just below the elbow they became square and very full, and allowed a false undersleeve, generally made of the same rich patterned silk or brocade which formed the undergown, to show. Underneath this, in turn, was a very full lawn or cambric sleeve which showed in a ruffle at the wrist and in puffs under the forearm. The false undersleeve

60. The partlet may originally have been a kerchief for the neck, worn by both sexes, but by the sixteenth century it had become the special property of the fair sex.

was generally held together by buttoned tags. It might be puffed with colored silk, slashed, or perhaps plaid. The sleeve of the gown was also subject to much alteration. Over it some ladies wore a false sleeve of gold net, studded with jewels. The sleeve proper was often turned back to form a deep square cuff, sometimes made of black or colored velvet or fur.

The German fashions in ladies' dress resemble silk pumpkins, blistered and puffed and slashed, ribbed, swollen, and altogether fantastic. The hair was generally plaited, and, in curves and twists, dropped into coarse gold-web nets or into nets with velvet pouches attached, so that the hair stuck out behind in a great knob or at the sides in two protuberances. Over all was placed a hat like a man's, or any one of an infinite variety of caps of linen, with barbes, or linen cloths, over the chin.

In the period of Henry VIII and later on in the sixteenth century, the ladies followed the example of the men and donned a kind of doublet with high wings and puffed sleeves. This garment was still in fashion at the beginning of the reign of Elizabeth. Women's overcoats, and cloaks, too, like those of the men, were very voluminous and usually had fur collars or silk collars with facings to match.

The upper part of the gown, towards the end of Henry's reign, was often made with a false top of contrasting material instead of an underdress. Changes also occurred in the hood,

(61)

61. English ladies were at this time pre-eminent in needle-work and English embroidery was held in high esteem. In the sixteenth century, this art was exhibited in caps and hoods, purses and gauntlets, (The Antiquary, vol.iii, pp. 214-215.)

which, by a process of evolution, finally disappeared. The cap was now placed far back on the head and its contour became circular instead of pointed. The velvet hanging piece at the back remained, but became smaller and was no longer pinned up. The entire shape of the hood gradually altered into the Mary, Queen of Scots type of headdress. The wide sleeves of the gown also underwent changes and at last became separate from the gown - more like a cuff than a sleeve.

Lacing was by many carried to such extremes that their bodies had a hard roll-like appearance. Others laced loosely and allowed the color of the underdress to show beneath the lacing. Many varieties of girdles and belts were worn, from plain, silk sashes with tasselled ends to richly jewelled girdles ending in heavy ornaments. In short, the whole costume of the period of Henry VIII exhibited a profusion of richness and costly follies.
(62)

With such luxury and extravagance prevalent, it is no wonder that Henry's reign had scarcely begun before it was considered necessary to enact another sumptuary law. After the coronation of the king, which took place at Westminster on June 25, 1509, writs, dated October 17, were issued for the calling of a new Parliament, which was to meet on January 21, 1510. The Members assembled on the appointed

62. The foregoing account of costume in the reign of Henry VIII, is taken from Calthrop, vol.iii, p.27 ff; Clinch, p.68 ff. For pictures of the costumes worn in this period, see Calthrop, vol.iii, pp.28 and opp. p. 28,29,30,33,35, 36 and opp. p. 36,37,38,40,41,43,44 and opp. p.44,45,46, 49. Green, vol.ii, pp.605, 621; Strutt, Dress and Habits, vol. ii, plates, 139, 140 (sixteenth and seventeenth centuries); Clinch (sixteenth century), opp. p.68 and opp. p. 69, opp. p.70, opp.p.71, opp.p.72, p.75, opp.p.78, opp.p.80, opp.p.86, opp.p.88; and Martin, plates 32,33,34,35.

day, in one of the great chambers of the palace at Westminster. The king was present and seated on his throne. William Warham, archbishop of Canterbury, declared the cause of the summons. In his opening sermon, he ~~expatiated~~ ^{expatiated} on the need of good laws. He said that Parliament had been summoned "to repeal such laws as were bad, to temper such as were rigorous, and to issue such as were useful." (63) He desired, so he declared, that "good and useful statutes" should be enacted, and, when passed, "should be faithfully, honestly, and inviolably observed." (64) In response to these admonitions, Parliament proceeded to enact the first real sumptuary law that was passed during the Tudor period. There was at this time, as in later reigns, an ever-increasing problem of poverty and crime, with which the legislative body had to deal. The wearing of costly apparel was regarded both as a cause of poverty and as an occasion for crime. The desire

63. Political History of England, vol V, pp. 165-167. Warham played little part in shaping the national policy after the accession of Henry VIII. The chief place in the direction of affairs belonged at first to Richard Fox, who was Lord Privy Seal. His only serious rival during the early part of Henry's reign was Thomas Howard, Earl of Surrey and Lord Treasurer. The other members of the council were the Bishop of Durham; Poyning, the Controller of the Household; Sir Thomas Lowell, Treasurer of the Household; the Earl of Shrewsbury, Lord Steward; and Lord Herbert, who was Lord Chamberlain. There is no evidence that any of these men, except possibly Warham, influenced in the slightest degree the passage of I Henry VIII, c.11.
In 1510, Wolsey was introduced to the particular notice of the king by Richard Fox, Bishop of Winchester and soon became a favorite with Henry.

64. Parliamentary History of England, vol. i, p. 175 ff.

to protect home industries by prohibiting the use of foreign cloth may also have influenced Parliament to pass the sumptuary law of 1510. However, this economic element was probably considerably stronger in the earlier sumptuary laws (especially in those of Edward III) than it was in those of Henry VIII.

After the formalities incidental to the opening of Parliament had been gone through with, the Commons chose Thomas Inglefield as their Speaker, and the Lords agreed to meet every morning at nine o'clock in order to do business. On January 24, the Lords met again, on which occasion four bills were presented and read. One of these was directed against excess in apparel. This bill, together with others, was read twice on that day and turned over to the king's attorney and solicitor-general for amendments. This gave the king and his ministers a chance to insert in the bill such provisions as they desired. On the last day of the session, February 23, all the laws passed by this Parliament were read separately, for the royal assent. (65) Among these was the statute of apparel, which began with these words: "Forasmuche as the greate and costly array and apparrell used wythin this realme, contrary to good statutes thereof made, hath be the occasion of grete impoverishing to divers of the Kings subjects and provoked many of them to robbe and to doo extortion and other unlawful dedes to maynteyne thereby ther costeley arrey: In eschewyng wherof, Be it ordeyned by the authority of this present Parliament that no persone of whate

estate, condicion, or degre that he be, use in his apparel any cloth of golde of purpoure coloure or sylke of purpoure coloure, but onely the Kyng, the Quene, the Kyng's Moder, the Kyng's Chylde, the Kyng's Brethers and Sisters, upon paine to forfeit the seid apparel,....and for using the same to forfeite 20 pounds."⁽⁶⁶⁾

The act, which is a very long one, goes on to decree that no man "under the estate of a Duke" shall wear, or use in the trappings of his horses, any "cloth of gold of tissue", that no one under the estate of an Earl shall wear any "sables", and that no one below the rank of a baron shall use or wear any cloth of gold, cloth of silver, "gynsya satten"⁽⁶⁷⁾ or any other "sylke or clothe myxte or brodered wythe golde or silver," upon pain of forfeiting the forbidden apparel and paying a fine of from ten to twenty marks. Such⁽⁶⁸⁾

66. Statutes of the Realm, vol. III, p. 8 ff. In quoting this statute, I have not attempted to follow the punctuation and spelling of the original exactly, and I have also omitted the abbreviations and signs used instead of letters, which are to be found in the printed document. The same thing has been done with regard to the later laws, which have been quoted. Compare the provision relating to the wearing of purple to similar provisions contained in earlier laws.

67. Evidently satin shot with silver or gold threads.

68. Stat. of Realm, vol. III, p. 8 ff. - I Henry VIII, c. 14. The fine of twenty marks was to be collected in case "cloth of gold of tissue" (gold tissue) was worn, and that of ten marks in case the other prohibited fabrics were used. No fine for the wearing of sable furs was specified.

prohibitions can hardly have been vitally necessary, since the prices of the forbidden fabrics were generally so high that only the very greatest nobles, the richest merchants, or the royal family could afford to wear them. To mention only one instance, cloth of gold is said to have sold on an average, during the period from 1401-1532, for 60 s. a yard, an exorbitant price for that time. (69)

The act of 1510 next provides that no one who does not possess the title of a lord, and who is not a Knight of the Garter, may wear any woollen cloth manufactured outside of England, Ireland, Wales, Calais or Berwick, "or the marches of the same." The penalty for disobeying this provision includes the forfeiture of the cloth and the payment of a fine of L.10. It can readily be seen that this paragraph differs from the two preceding ones in that its purpose is primarily economic, rather than sumptuary. It is a piece of "protectionism", and for that reason seems somewhat out of place in such an act as the one now under discussion. The legislators of the time apparently did not see that it was not feasible to mix economic regulations with sumptuary legislation. They do not seem to have realized that sumptuary laws, by discouraging domestic consumption, would check domestic production also and would thus defeat their economic aims.

The next paragraph of the statute forbade all Englishmen under the rank of knights to wear in their gowns or coats, or any other portions of their apparel, any crimson or blue velvet. Such apparel was to be seized if worn, and

(70)

a fine of 40 s. was to be collected. The law went on to provide that, if any of the prohibited apparel should be worn by anyone below the prescribed rank, it should be forfeited to that one of the ushers of the king's chamber who should first bring an "action of detinue for it"⁽⁷¹⁾. If, however, none of the ushers should bring suit within fifteen days, "in the term next after the said forfeiture", then the king's chamberlain might bring a similar suit. If the clothing were condemned, the king and his heirs were to get one half of the fine imposed, and the chamberlain was to receive the other half. In case the forfeited clothing belonged to nay of the queen's servants, "being in her cheker roule,"⁽⁷²⁾ then the ushers of her chamber, and, in their default, her chamberlain, were to have the same right of action as the king's ushers and chamberlain were to have in other cases.

Having settled the question as to who should obtain the clothing forfeited by the upper classes of society, the legislators next turned their attention to those lower down in the social scale and forbade all persons below the rank of

70. Doubtless the reason why the wearing of crimson and blue was not allowed, was because these colors approached "royal purple" in shade. Moreover, such gay colors were probably not considered suitable for the staid and sober "bourgeois", who seem generally to have worn dark clothes. Velvet, during the period of Henry VIII, seems to have been considerably cheaper than it had been during the preceding period. In 1520, it sold for 8 s. 4d. a yard. In 1534, tawny satin cost 7 s. 6 d. a yard; in 1526, white damask cost 7 s. 8 d., red damask, 5 s; and in 1565, crimson sarsnet^(or sarcenet) brought 4 s. 6 d. Of the cheaper materials, frieze sold after 1540, on an average, for 1 s. 1¹/₂ d; Camlet (generally red) cost 2 s. 8 d in 1520. (Rogers, Agriculture and Prices)
71. Stat. of Realm, vol. III, p. 8 - I Henry VIII, c. 14. An action of detinue is a common-law form of action for the recovery of a personal chattel (or its value) wrongfully detained.
72. Ibid. This phrase evidently means "on her pay-roll", or Exchequer roll.

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a knight, "excepte esquyers for the kyngs body, hys cuppe berers, carvours and sewers, havyng the ordynarie fee for the same, and all other esquyers for the body, havyng possession of landes and tenements or other hereditaments in theyr handes or to ther use to the yerely value of three hundred merke, and lordes' sonnes and heyres, justices of the one benche or of the other, the Maister of the rolls, and Barons of the Eschequer and all others of the kyngs counsell, and mayres of the citie of London,"⁽⁷³⁾ to wear gowns or riding-coats made or trimmed with velvet or "furrer of martron."⁽⁷⁴⁾ The penalty for disobedience was, as usual, the forfeiture of the apparel and the payment of a fine of forty shillings. The same class of persons, with the exception of those listed above, was also forbidden to wear any doublets, either made of, or trimmed with velvet, or any gowns or coats made of satin or damask.⁽⁷⁵⁾ The property qualification necessary to enable one to wear such garments was, however, only one hundred pounds a year in this case, in contrast to the three hundred pounds required in the other.

It is evident from the provision following the one which has just been quoted that even people who were barely

73. Ibid. The mayors and aldermen and other dignitaries, especially of the larger cities, wore very gorgeous apparel on public occasions. The ceremonial dress of the officials of one town consisted of scarlet gowns and tippets of velvet. (State Papers, part 3, vol.ii, p. 283). Most of the members of the middle class, however, as has been stated above, usually wore dark clothing.

74. Ibid. Marten fur is probably meant.

75. Satin was cheaper during the fifteenth and sixteenth centuries than almost any other fine fabric. Blue satin averaged about 9 s. a yard, and red satin 8 s. (See Rogers, vol.IV, p.567 ff., and above, note 70).

comfortably off must have attempted, on occasion, to vie in^{the} magnificence of dress with the nobility, since persons who possess an income of less than £20 a year are here forbidden to wear satin, damask, silk or camlet, unless they are yeomen of the king's guard, or grooms of the king's or queen's chambers. Such a prohibition would hardly have been necessary if some members of the lower middle class had not been inclined to extravagance in dress. (76)

The remaining sections of the law of 1510 may be briefly summarized. The use of more than four broad yards of cloth in the making of any long gown, and of more than three yards in the making of a riding-gown or coat is prohibited to all persons under the rank of knight, with the exception of "spiritual men",⁽⁷⁷⁾ lawyers and graduates of the universities. The same class of persons is warned not to wear in the future any "pinched or guarded"⁽⁷⁸⁾ shirt or partlet of linen, the penalty for such use to be forfeiture of the clothing and the payment

76. As illustrating the contagious effect of fashion upon the lower classes, it is interesting to recall the story told about John Drake, a shoemaker of Norwich who ordered his tailor to make him a gown exactly like that which he was then making for a knight named Sir Philip Calthrop. When Sir Philip heard what the shoemaker had done, he gave orders that his gown should be made with as many slits in it as the shears could cut. The tailor finished Drake's robe in the same way. When the latter saw it, horrified by the waste of cloth, he is said to have exclaimed: "I will never wear a gentleman's fashion again." (Strutt, Dress and Habits, vol. ii, pp. 160-161, quoting Camden's Remains, p.198)

77. Stat. of Realm, vol. III, p. 8.

78. Ibid. A "pinched and guarded" shirt was evidently a fancy shirt of some kind. "Pinched" seems to have meant pleated, and "guarded" trimmed with lace or embroidery.

of a fine of ten shillings. No one who cannot lay claim to the title of "gentleman" is to be allowed henceforth to use or wear any furs imported from abroad, "whereof there is no kynde growing in this lande or in any lande under the kyngs obeysaunce." This clause was probably partly intended, to protect the domestic fur industry and therefore has an economic significance similar to that of the provision prohibiting the use of foreign cloth. The only exceptions to the rule laid down in this section are university graduates, yeomen and grooms of the king's and queen's chambers, and all persons who have a yearly income of £.10 assured to them for life, or goods worth £.100. Serving-men (except those who are gentlemen servitors) are forbidden to use more than two and a half yards of cloth in any of their short gowns or coats, and more than three yards in any long gown, and are not allowed to wear any kind of fur at all. They are furthermore told that they are not to wear any guarded hose or any hose made of cloth which has cost more than 20 d. a yard, unless such hose have been given to them by their masters. Servants, shepards, common laborers, servants to artificers living outside of any city or borough, and all farmers whose possessions do not amount to more than £.10 in value, are not to wear cloth costing more than 10 d. a yard. The punishment for disobedience

(79)

(80)

79. No doubt they would be allowed to wear sheepskins, which are not, strictly speaking fur.

80. If this provision were strictly carried out, servants, workmen, etc., could still dress in frieze, which, up to 1540, sold on an average for 8 d. a yard, or fustian, which averaged 10 d. before 1540 and 1 s. 1 d. after 1540. Compare this with similar provisions in earlier laws.

in the case of these latter offenders is to be imprisonment in the stocks for three days. Perhaps, the legislators felt more than doubtful of their ability to pay a fine, or thought they were prescribing a punishment which would have the greatest effect on that class.

The last paragraph of the act stated that anyone who would sue for the clothing forfeited by any person under the rank of a Knight of the Garter might have the forfeited apparel and half of the fine imposed, the other half going to the king. (81) None of the provisions of the act were to apply to ecclesiastics, laymen wearing church ornaments, mayors, recorders, aldermen, sheriffs, baillifs and other municipal officers, ambassadors, heralds, minstrels, players in interludes, or men wearing liveries given to them by the king during the time of their attendance upon his court. Women and other miscellaneous persons almost too numerous to mention were also exempt. In conclusion, it was stated that all former statutes of apparel, with their penalties, were repealed by this law, which was to take effect at Michaelmas and to remain in force until the meeting of the next Parliament, during which period the king might license the wearing of any apparel that he pleased, anything in the act to the contrary notwithstanding. (82)

From the above description of the statute of 1510,

81. For those who were to obtain the apparel forfeited by persons of higher rank, see above, p. 182.

82. The reason why this act has been discussed so fully is because it was the first one of its kind passed during the Tudor period, and because several later acts were based upon it. This act repealed, in particular, 22 Edward IV, c.1.

it will be seen that it was extremely detailed and that it ran the gamut of the social scale, as several of the earlier laws had done, forbidding nearly every class in society to wear certain fabrics or articles of dress. The fact that the act was prohibitive throughout rather than permissive or prescriptive is at once clearly apparent to anyone who studies it. This characteristic, to which attention has already been called, was the distinguishing feature of the majority of the English sumptuary laws.

Several years elapsed before another similar act was passed, and, during those years, a new star was rising in Henry's court, a new man was making his power felt in the administration of national affairs. Thomas Wolsey, who had entered the king's council in 1511, was more pliant than Warham, more vigorous than Fox and more capable than Surrey. He spared no art to win the good opinion of the king, and, by 1514, he was firmly in power and his reputation was fast growing. In that year, he became Bishop of Lincoln and Archbishop of York, and in 1515, through Henry's influence, he obtained his cardinal's hat on September 11, and was made lord chancellor on December 22. He was described at this time as being all-powerful with Henry, and as bearing the main burden of public affairs on his shoulders. From later evidence, it is natural to suppose that it was with his approval, at least, that a second act of apparel was passed in 1514.

Writs summoning a new Parliament had been issued on

November 23, in the sixth year of Henry's reign. Parliament was commanded to meet at Westminster on February 5, 1514. It assembled on that day in the Painted Chamber. William, Archbishop of Canterbury, preached the opening sermon and expressed the hope that "what wanted reformation in the state.. would be amended in this present parliament"⁽⁸⁴⁾. The Commons chose Thomas Nevile as their Speaker and proceeded to business. In this Parliament "divers laws were made, but two most spoken of; one for apparel, another for laborers"⁽⁸⁵⁾. Lord Herbert, in drawing up a list of the "most remarkable statutes" passed during this session, declares, "One of their chief cares was to put into better order the former laws concerning apparel; which yet was not so well digested but that the year following even the law itself changed fashion."⁽⁸⁶⁾ The fact that these acts attracted so much attention at the time and were considered so important is an indication of the state of public opinion with regard to sumptuary laws during this period.

The preamble to act of apparel of 1514 is word for word the same as that to the act of 1510, and many of the same provisions are to be found in both acts, though sometimes differently worded and arranged in a different order. The wearing of black genet, as well as of sable fur, is forbidden to all persons below the rank of an earl by the later act, while the earlier one merely prohibits the wearing of sables. Sons of dukes, marquises and earls are added to the number

84. Parliamentary History of England, vol. i, pp.481-482.

85. Baker, Chronicle, p. 314.

86. Quoted in Parliamentary History of England, vol.i,pp.481-482.

of those who are allowed to wear cloth of gold or silver or any apparel 'myzte, garded or embrowdred with gold or silver,"⁽⁸⁷⁾ as the act of 1514 puts it, and these are also permitted to appear dressed in foreign woollen cloth. It is specifically stated in the later act that servants may wear garments trimmed or lined with lamb's wool, though they are still not allowed to wear any other kind of fur. These, however, are all minor differences.

The statute of 1514 contains every one of the provisions found in the act of 1510, and several new clauses in addition. For example, all persons under the rank of a lord or of the son of a duke or an earl are forbidden to wear any clothing trimmed or embroidered with gold, silver, goldsmith's work, or silken cloth. No one who is not a knight at the very least is to be permitted in the future to wear any chain "or other thing of gold, gilt or the color of gold about his neck or bracelets of the same",⁽⁸⁸⁾ and no one but gentlemen may appear with any silken points, or points with aglets of gold, silver,⁽⁸⁹⁾ or silver gilt, or buttons or brooches of the same materials attached to their garments. The penalty for disobedience is in this case merely forfeiture of the clothing. Only the clothing forfeited by those living at court is to go to the king's or queen's ushers or chamberlains, or, in case they fail to sue, to the king. Clothing forfeited elsewhere is to

87. Stat. of Realm, vol. III, p. 121 ff. - G Henry VIII, c I.

88. Ibid. Vol. III, p. 122.

89. Aglets were tags or pendant ornaments attached to the points.

go to anyone who will sue for it, together with half of the fine. Ecclesiastics, merchants, ambassadors, etc., are exempted from the operation of this act, as also from that of 1510. Former city officials are to be allowed to wear the same kind of clothing that they wore during their period of office, while knights' sons and heirs apparent may dress similarly to the barons of the king's exchequer. The king may, as before, license anyone to wear any kind of apparel. The duration of the act is not to be temporary and limited like that of the earlier one, but in the words of the statute, is to be permanent, to "last for ever".⁽⁹⁰⁾

In spite of this optimistic declaration, however, the act was destined to be in operation but a very short time, for only a few months later, in 1515, it was repealed and another law passed in its stead.⁽⁹¹⁾ "In the month of November," says Hall, "the Kyng assembled his hygh courte of Parliamene at Westminster, and diverse actes made in the Parliament the VI year amended and altered, especially the acte of apparell."⁽⁹²⁾

The preamble to the new act is exactly similar to those of the two which have already been discussed, and many

90. Stat. of Realm, vol. III, p. 123. The practical reenactment, in 1514, of the act of 1510 seems to point to the fact that the earlier act was not enforced while it was in operation, though, of course, its duration was limited, and it would have been necessary, anyhow, for Parliament to pass another act. However, little evidence tending to prove that any of these acts were strictly enforced has been found.

91. Stat. of Realm, vol. III, p. 179 - 7 Henry VIII, c.6.

92. Edward Hall, The Union of the Two Noble and Illustre Families of Lancaster and York, vol. ii, p.57.

of the provisions are also identical. Other sections contain minor differences. For example, the number of those who are allowed to wear gold tissue is increased by the addition of the king's children and the children of marquises, and of those who may wear sable furs by the addition of the king's children and of dukes and their sons and heirs, as well as of marquises. In almost every section of this statute, the number of those who are permitted to wear certain fabrics is augmented by the introduction of several classes of persons not mentioned in the earlier acts. In one or two cases, fines different from those previously imposed are ordered to be levied. For example, a fine of 10 marks is to be collected when foreign woolen cloth is worn contrary to the statute, instead of £.10 as before.

Among the new provisions found in the act of 1515 are the following: sons and heirs apparent of all barons and knights are to be permitted to use tinsel, and crimson and black velvet in their doublets, and in their gowns, jackets, etc. damask of a black, russet or tawny color, as well as camlet. The coferer (or cofferer) of the king's household, the clerks of the Greencloth, the controller, the gentlemen ushers, and certain other members of the king's, queen's and prince's households may wear velvet, satin and damask (black, tawny or

93. The keeper of the coffer, or treasurer of the household.

94. The Greencloth was a court or board of justice held in the counting house of the palace, composed of the lord steward and his officers, and having cognizance of matters of justice in the household, with power to correct offenders and keep the peace, within the verge of the palace, which extended two hundred yards beyond the gates.

russet in color) in their doublets, jackets, or coats, and damask and camlet in their gowns. They may also put on chains of gold, and the coferer may have his gowns trimmed with or made of satin, as well as of damask and camlet, and may in addition wear marten fur; all the other officers of the king's household, among whom the master cooks are especially mentioned, are forbidden to use any velvet, damask or camlet in their doublets, any damask or camlet in their jackets and coats, and any camlet in their gowns, except such as is black. The yeomen of the king's guard and the queen's chamber are also restricted to the use of black velvet, satin or damask in their doublets, and black camlet in their gowns, but the yeomen and grooms of the royal table may use all of the above-mentioned materials in their doublets and jackets, without any restriction as to color. All servants are allowed to wear ornaments of gold, silver, or goldsmith's work, if such ornaments are the badges of their lords and masters, and servants in husbandry are permitted for the future to wear cloth which costs not more than 2 s. 4 d. a
(95)
broad yard.

Further changes in this act are found in the clauses providing for the recovery of forfeited apparel and fines. The fact that each of the acts which have so far been discussed made changes in these clauses, while most of the other

clauses were reenacted without change, would seem to indicate that the measures proposed for the enforcement of the various laws relating to apparel had not proved effective. (96) Otherwise, why were these measures constantly changed and added to?

The act of 1515 provided that the apparel forfeited in the courts of the king, queen and Prince of Wales should be sued for by the royal ushers, as set forth in the two former acts, but that the marshals of the king's, queen's and prince's halls were to share this right with regard to all clothing forfeited anywhere within the houses, palaces, etc. of the sovereign, except within the private suites of the royal family. If, however, the ushers or the marshals did not exercise these rights, any other person who was an English subject might obtain the forfeited clothing by bringing an action of detinue and an action of debt for the fine. Articles of dress forfeited in households other than that of the king might be obtained by the head of the household or anyone appointed by him, but if neither of these persons seized the clothing or brought suit within fifteen days after the forfeiture, anyone else might bring suit to obtain the apparel and half of the fine, the other half going to the king as before. The Warden of the Fleet, the Marshal of the King's Bench, and their deputies, were given the privilege of suing for forfeitures incurred in Westminster Hall and in the palace

96. People were probably reluctant to go to the trouble and expense of bringing a law-suit, in order to obtain nothing more valuable than a comparatively small sum of money and some clothing.

at Westminster, outside of the king's immediate household; and it was provided that forfeitures incurred within cities and towns corporate were to go to the municipal officers. In counties, forbidden apparel might be sued for by sheriffs, undersheriffs and escheators, and in every hundred by the chief constables. If any of these persons failed to sue, anyone else might bring suit. If any person resisted the seizure of forbidden clothing by the officers of the law, (97) he would have to pay a fine twice as large as that provided for by the act. The same classes of subjects as before were exempted from the operation of the act, which, like that of 1514, was to "last forever", (98) and the king was again permitted to issue licenses authorizing the wearing of prohibited apparel.

That both Henry VIII and Wolsey were interested in the passage of the act of 1515 seems to be evidenced by a letter written by Wolsey to Henry in that year, probably while the act was still before Parliament. In this letter, the cardinal mentioned the fact that he was sending to the king, at the latter's request, a copy of the statute of apparel, with an abstract of it, for Henry's examination and correction. Since Henry had requested his chancellor to send him a copy

97. It is not clear just who was to seize the forbidden clothing. From certain expressions contained in the act, it seems as if the persons who were appointed by the statute to sue for the forfeitures were to seize the clothing themselves, at least in some supposed instances.

98. Stat. of Realm, vol. III, p. 132 - 7 Henry VIII, c.6.

of this particular law, and since Wolsey brought the matter important enough to refer to it in one of his letters, we may feel reasonably sure that the king, as well as Parliament, was interested in the subject of the regulation of apparel.⁽⁹⁹⁾

At the end of the Parliament of 1513, the Archbishop of Canterbury, seeing that the Archbishop of York "meddled in his office of chancellor", that he himself was getting old, and that the archbishop of York wanted to "beare all the rule",⁽¹⁰⁰⁾ resigned his office, which the king thereupon conferred upon Wolsey. From the time that the latter became lord chancellor, he appears to have governed the kingdom almost at his pleasure. One of his first acts in his new office was to send out commissions into all the shires, "for to put the statute of apparell and the statute of labourers in execution. And he hymselfe one daye called a gentelman named Symon Fitz Richard and toke from hym an olde jacket of crymesyn velvet and diverse broches, which extreme doinge caused hym greatly to be hated, and by his example many cruell officers for malice evill intreated dyverse of the kynge subjects, in so muche that one Shynnyng, Mayre of Rochester, set a young man on the pillory for weryng of a ryven shert".⁽¹⁰¹⁾

This statement, made by a contemporary chronicler

99. Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII, part I, vol. II, p. 321.

100. Hall, Chronicles, vol. ii, p. 57.

101. Ibid.

whose work is a glorification of the House of Tudor, is of great interest because it is practically the best evidence that has been found showing that at one period in English history, at least, some attempts were made to enforce the sumptuary laws. That such attempts were regarded as "extreme doings" and caused the authors of them "greatly to be hated" proves that the strict enforcement of such laws was an unpopular, if not a new thing.

Wolsey, though very fond of luxury and extravagance himself, seems to have been determined that others should "keep their places" and abide by the letter of the law with regard to dress. For example, in the college that he founded, he laid down rules enjoining the clergy who officiated there to use only "plain and decent" garments and ornaments, and forbidding them particularly to adorn their clothing with
(102)
curious or costly furs.

Additional evidence that the provisions of the three foregoing acts of apparel were carried out (at least to some extent) is furnished by the licenses granted by the crown to persons desiring to wear forbidden clothing. One such license is dated May 12, 1517, and reads as follows: "For William Bedell and Richard Kokeby. License to use any garments and
(103)
chains and to keep and shoot with crossbows and hand-guns,

102. Stat. Card. Wolsey, Coll. Oxon., A.D. 1525. M.S. in Cottonian Library marked Titus, F. 3, quoted in Strutt, Dress and Habits, vol. ii, pp. 160-161.

103. A number of acts forbidding the use of such weapons, in order to encourage the use of the long-bow by all who owned land which was worth less than a certain amount, were passed during the reigns of both Henry VII and Henry VIII.

(104)
having an income of £.200 a year."

Another license, issued in the same year to Henry Conway of Bermondsey, and dated at Windsor October the twenty-first, authorized Conway "to wear camlet, velvet, (105) sarcenet, satin and damask of green, black or russet color in his clothing, except in cloaks of the fur of genets, sables (106) or martens."

A curious instance of the extent to which the governments of sovereign states still carried their practice of regulating minute details, even in international affairs, may be found in the document by which the king of France confirmed the treaty providing for his marriage with Princess Mary, the sister of Henry VIII. In this document and in a letter, both of which were addressed to Wolsey, Louis thanked the cardinal for ~~his~~ ^{the} pains he had taken with regard to the apparel and other things necessary for his bride. Princess Mary's wardrobe, so it is stated, was to be arrayed "a la mode de France". Wolsey had retained the Seigneur de Marigny to aid him in fitting out the bride with a trousseau correct according to French ideas. This pleased king Louis, and he expressed his approval of Wolsey's action. Apparently the bride was not

104. Letters and Papers of Henry VIII, part 2, vol. II, p.1041. Few such licenses have survived. The reasons for their scarcity are not clear.

105. Sarcenet was a silken fabric which seems to have sold for about 5 s. a yard (Rogers, vol. IV, p.567 ff. See above, ¹⁸² 182)

106. Letters and Papers of Henry VIII, part 2, vol. II, p.1180.

allowed to choose her own clothes. That matter seems to have
(107)
been arranged by international agreement.

During the rather long interval between the passage of the act of 1515 and the enactment of another sumptuary law in 1532-33, an ordinance with regard to dress was passed by the leet of Coventry. Evidence with regard to action of this kind, taken by the governing body of an English city, is extremely scarce. The English cities differed from the German and Swiss towns in that they were seemingly content to leave the regulations of many of the smaller details in the lives of their citizens to the control of the central government,
(108)
instead of regulating such matters themselves. In 1522, however, the leet of the ancient town of Coventry, a place famous for its industry, its guilds and its mystery plays, took affairs into its own hands and enacted that "all commoners within this cytte under the degre of a Scheryffe shall were in ther
(109)
gowndes effore of fox, schankes, or lambe, and none other

107. This difference between the English and continental towns was probably due to the greater power and efficiency of the central government of England.

108. Rymer, Foedera, vol. xiii, pp. 1, 155 ff. The documents are dated September, 1511.

The clothing of at least one of Henry's queens seems to have been picked out for her by others, "And to the quenes grace ye must appoynte 6 frenchehoodes..with edges of goldsmythes worke, so there be no stone nor perle in the same; and likewise as many paire of sleeves, 6 gownes, and 6 kyrtelles of saten damask and velvet., except alwayes stone and perle". (Sadleyr to Crommer, 1541. See State Papers, parts 1,2 of Henry VIII, vol. i, p.695).

109. Fur of animal's legs.

ffores, and in their doublets or jakettes of cloth, saten of Bruges or wolsted, and more other sylkes, such he ke notye and knowyn to be of the valure and substans of C li, and shewe." The penalty for disobedience of this provision was to be a fine of \pm .10.

The same ordinance also provided that no servants should wear velvet in any of their apparel, and that no sheriffs "nowe chosen and hereafter to be chosen" should wear in their gowns the fur of ffoyndes or of martens, nor any velvet in their doublets or jenkins, unless they possessed an income of \pm .300 a year or more. In the case of the sheriffs, the penalty was to be a fine of twenty marks; and in the case of the servants the forfeiture of the forbidden clothing to the use of "the common box of the cytte and ... imprisonment" was decreed.

Eight years after the passage of this ordinance, John Longland, Bishop of Lincoln, wrote a letter to the abbess and convent of Winstowe (Elstow, Elinstow, or Helenstow), in which he ordered "undre payne of disobedience ... that noo ladye ne eny religious sister within the said monasterye presume to were ther apparells upon ther hedes undre suche lay

110. A. D. Harris, (ed.), The Coventry Leet Book, part 3^{III}, p. 680-681

111. Ibid. This ordinance was obviously modelled after the laws passed by Parliament, though, of course, it was much shorter and less detailed than the latter.

112. Fur of beech-martens.

113. Harris, The Coventry Leet Book, part 3^{III} ~~and directives~~ pp. 680-681.

fashion as they have now off late doon with cornered crests,
nether uncre such manour of hight shewing ther forehedes, moore
like lay people then religious, but that they use ther without
suche crestes ... and a lower sorte, and that ther vayle come
as lowe as ther yye ledes"⁽¹¹⁴⁾, except when engaged in manuel labor.
He also commanded them not to wear crested or slashed shocs,
or gowns and kirtles which were low in the neck, and "noo more
to use rede stomachers, but other sadder colers in the same"⁽¹¹⁵⁾.
Several other injunctions similar to this one, issued during
the period of Henry VIII by the higher clergy have been encountered
in the course of the investigations undertaker preparatory to
this study. While these were not laws, they were ordinances
of a sumptuary nature, and indicate that the worldiness which
furnished a pretext for Henry VIII's dissolution of the monas-
teries was in fact to be found, to some extent, at least, in those
institutions.

During the winter of 1532-33, after a lapse of
approximately seventeen years since the passage of the last
sumptuary law, Parliament again turned its attention to the
regulation of dress. This Parliament had ^{met} ~~met~~ before. It
reassembled on January 15, 1532, after sometime was prorogued to
April 10, and later because of an outbreak of the plague at
Westminster, was again prorogued to the next year, when it met
in April, 1533. It had been summoned principally to help on

114. Archaeologia, vol. XLVII, p.53 ff. The letter is dated
October 1, 1530.

115. Ibid. An injunction with regard to veils, similar to that
quoted above, was sent to the Prioress of Studley.

the cause of the king's divorce, by attacking the prerogatives of the Roman Catholic Church in England, and to raise money for the needs of the crown. Cranmer, who was made Archbishop of Canterbury in 1533, had already acquired great influence with Henry in religious matters, and Thomas Cromwell was coming forward to take the place of Wolsey, who had been dismissed in disgrace in 1529 because of his failure to secure the Pope's consent to Henry's divorce from Katherine, and who died in 1530, perhaps just in time to save himself from the scaffold. Through the agency of Cromwell and Cranmer, the king was divorced from his first wife and married to Anne Boleyn in 1533, and, on September 7 of that year, their daughter, afterwards queen Elizabeth, was born. (116)

While these events of national importance were taking place, a bill regulating apparel was introduced into the House of Commons. This bill seems to have been projected and probably prepared by the executive department of the government long before Parliament assembled. Henry, writing, in 1531, to Cromwell and giving him instructions for the council, directed that "the bill of apparel may also be studied, ingrossed and put in a redynes, agenst the begynnyng of the next Parliament" (117)

The "bill of apparel" does not seem to have been ready, *however,* until the session of 1532-33. After presentation it was read

116. Political History of England, vol v, pp. 310-321.

117. State Papers, vol. 1, p. 382. Note that by this time the petition to the king, which had been the form taken by laws proposed in Parliament in earlier times, had been superseded by the bill.

once, early in the session, but, before it could be read again, Parliament was prorogued by the king. When Parliament re-assembled, however, the bill was taken up again and finally passed in 1533. ⁽¹¹⁸⁾ The preamble to this act begins with these interesting words: "Before this tyme dyvers lawes, ordynances and statutes have been with greate deliberacion and advyce provided, established and devysed, for the necessarie repressing, avoydyng and expelling of the inordynate excesse dailye more and more used in the sumptuous and costly arraye and apparell accustomedlye worne in this realme.....; which, good lawes notwithstanding, the outrageous excesse therein is rather frome tyme to tyme increased than dimynished." ⁽¹¹⁹⁾ It is therefore ordained that after the Feast of the Purification in that same year the clothing forbidden by the other sections of the act shall not be worn.

The first two provisions following the preamble deal with the wearing of cloth of gold or silk of a purple color and of "cloth of gold of tissue", and closely resemble similar provisions to be found in the earlier acts, except that dukes and marquises are in the future to be allowed to wear cloth of gold worth not more than ~~4~~.5 a yard in their doublets and sleeveless coats, and that the word "purple" is not to be interpreted as applying to the mantles worn by the members of the Order of the Garter. Viscounts, barons, and the prior of

118. Letters and Papers, Foreign and Domestic, of Henry VIII, vol. VI, p.52. Under date of 1533, we find this memorandum, "Bills dependyng in the Comer Hous syns the last prorogacion: once read - the statute of apparel."

119. Stat. of Realm, vol. iii, p. 430, - 24 Henry VIII, C.13.

St. John's of Jerusalem are allowed to wear cloth of gold, cloth of silver and tinsel in their sleeveless coats and doublets. The use of foreign woollen cloth is forbidden except to the classes enumerated in the earlier acts, and to marquises and the children of dukes, marquises and counts. However, anyone may wear a bonnet made of such foreign cloth, if he or she wishes. Only those classes of persons enumerated in the provision concerning foreign woollen cloth are to be permitted to wear crimson, scarlet or blue velvet or embroidery. No one under the rank of a baron's son or a knight, except those who have lands, rents or tenements in their own or in their wives' right, worth \geq £200 a year, may use any chain, bracelet or other ornament of gold, "excepte every such chayne, jewell, ouche or ornament be in weight one unce of fyne golde or above" with the exception of rings to be worn on the fingers, and no one except a knight may wear a

120. The property qualifications required of persons desiring to wear certain kinds of clothing reminds one of the property qualifications sometimes required of voters in more modern times. The object of such provisions in a sumptuary law was evidently to preserve distinctions in dress between the wealthy, or moderately wealthy, and the poor, as well as between the noble and non-noble classes.

121. Stat. R., vol iii, p.430. The subject of this provision is not clear. It would seem more logical to prohibit people possessing less than £200 a year from wearing ornaments containing more than one ounce of gold.

particular kind of gold collar known as a "collar of S" ⁽¹⁷⁵⁾. No one shall wear except those mentioned in the previous provision and those who have an income of £100 a year wear any satin, damask, silk or camel in their gowns, coats with sleeves or other outer clothing, nor velvet except in their sleeveless jackets, doublets, or purses, nor any foreign fur except gray genet or dogey. Persons of the above mentioned rank, as well as the sons and heirs apparent of knights and of men who possess an income of 300 marks a year, and such persons as themselves have an income of £40, may make use in their outer clothing of camel and silk and of satin damask, taffeta and sarcenet in their doublets, of sarcenet, camel or taffeta in the lining of their gowns, ⁽¹⁸⁵⁾ and of the same fabrics or of velvet in their sleeveless coats and jerkins. They will not be permitted, however, to wear any fabric which is scarlet, crimson or blue in color, nor any foreign furs. Several similar clauses follow this one, prescribing what kind of silken or woolen fabrics persons with incomes of £20 and of

121. A Collar of S.S., S's or L'sses was an ornamental chain consisting of a series of S's either joined together side by side, or fastened in a row upon a band or ribbon. It was originally made of leather with golden S's sewn on to it. In 1485, the chief judges of King's Bench, Common Pleas and the Exchequer were decorated with this collar. It was not a badge of personal dignity, like the Garter, but an insignia of livery attached to certain offices, entitling the holder to wear the collar, so long as he retained the office to which the dignity attached. It is thought to have originated with John of Gaunt. It still forms part of the official dress of various officers. (The Antiquary, vol. XLIV, p.460).

122. As has been mentioned above, such gowns or robes were usually lined either with some kind of silk, or with russet or buckram. Very coarse wadded cloth was used to stiffen the collars of these gowns.

£.5 a year may use in the various parts of their clothing, but it is unnecessary to go into the details of these provisions since they resemble very closely those which have already been discussed. (124)

After dealing with the upper and middle classes of society, the statute next ordains that servants, yeomen and all persons with incomes of less than 40 s. a year, shall not wear hose made of cloth worth more than 2 s. a yard, or of more than one kind of cloth, nor any other article of dress made of fabrics costing more than 3 s. 4d. a broad yard, except their master's livery, nor any fur except coney and black and white lamb, all of which must be grown in Great Britain. The shirts, coiffes, bonnets, hats, etc., worn by servants and yeomen must not, according to the law of 1533, be embroidered or trimmed with silk, gold or silver, and their bonnets and shirt-bands must have been made in England. They are permitted, however, to wear silken ribbons, the badges of their lords, or prizes won at wrestling as ornaments in their bonnets, and sailors are allowed to wear silver whistles hanging on silver chains around their necks.

Small farmers are the next people on the legislative list. Their hose must not cost more than 2 s. a yard, according to the act, the cloth for their gowns not more than 4 s., and that for their coats and jackets not more than 2 s. 6 d.

124. Dress was regulated in this act more strictly on a property basis than in the earlier statutes. A graduated list of incomes was set down and clothing regulated in accordance with this list, the wearing of certain fabrics or articles of apparel being forbidden to persons having less than a given income.

The only foreign cloths of which their doublets were
are fustian and canvas. The servants of such families
("servants in husbandry", to the statute calls them) and all
journeyman handicraft workers are forbidden to use these
of cloth costing more than 16 s. a yard, or other articles
of dress made of cloth worth more than 2 s. 6 d. Their
doublets may only be made of fustian, canvas, leather, or
coarse woollen cloth. The servants and all other persons em-
ployed by the royal family may, however, be licensed by the
king to wear any of the apparel forbidden by the statute.

Jumping rather abruptly from servants and journeyman
back again to the upper classes, the law of 1533 provided that
the Lord Chancellor, Lord Treasurer, etc., might wear velvet,
satin and silk of any color, except purple, and furs of any
kind, except black genet. The clergy, whose clothing had not
been regulated by the earlier acts, were now forbidden, (with the
exception of those who were bishops, abbots or priors) to wear
any foreign cloth or fabrics. However, archdeacons, deans,
masters and wardens of cathedrals or collegiate churches,
doctors and bachelors in divinity, and doctors of law and
science were given permission to use sarcenet as the lining
of their gowns, black satin or caslet in their doublets and
sleeveless coats, black velvet, sarcenet and satin in their

125. Fustian was a kind of coarse woollen cloth. See above, note
on p. 185; also p. 123.

126. Black genet seems to have replaced silver during the Tudor
period, as the most costly and desirable kind of fur.
For silver, see above, p. 234. Genet is the name of a
small animal allied to a civet cat. The fur was grey,
spotted with black, and the lower tail was black streaked
with white.

(127)

tippets, riding-hoods and girdles, a purple, a green, a red, a
violet-colored cloth and black bogey, and a tippet in
their gowns and sleeveless coats. None of the clergy were to
be allowed to wear any kind of fur, except black and grey coney,
grey vicke, fox, lamb, otter, beaver and one or two other
varieties. Bishops, abbots and priors were, however, excepted
from this rule, and they, together with masters of arts,
bachelors of science and such other members of the clergy as
possessed an income of ~~£~~.20 a year, were given permission to
wear any kind of silk in their tippets. Judges, sergeants,
mayors and other public officers, as ambassadors, heralds,
players, soldiers, etc., were exempted from the operation of
this act, as well as of the earlier ones. It was also
specifically stated that the act was not to extend to any or-
naments or garments worn by the clergy in divine services or
to the habits worn by officials or graduates of the universities.
Any Englishman might wear any foreign linen cloth and anyone
who was a gentleman might wear shirts embroidered in thread
or silk, so long as the embroidery was wrought in Great Britain.

(128)

(130)

The privilege of licensing the wearing of forbidden
apparel, which had been granted to the king by the three earlier
statutes, was now taken away from him, except with regard to
those persons who served the royal family. Another difference
between the act of 1533 and those enacted previously was the
fact that, in the former, forfeiture of the forbidden apparel

127. Dark crimson.

128. See above, note on p. 199, for definition of fygres.

129. A tippet was a scarf, muffler or scarf-like garment used for covering the neck and shoulders.

130. See above, p. 204.

and the payment of a fine of 3 s. 4 d. (a much lower fine than any imposed by the earlier laws) was made the penalty for disobeying any of the provisions of the statute, instead of fixing a different penalty for non-compliance with every separate provision. In order to aid in the enforcement of the law, it was provided that justices of the peace, sheriffs in their courts, and aldermen in their wards might punish offenders and, as before, all previous acts regarding apparel were declared to be repealed. (131)

The act of 1533 was the last statute of apparel, properly so called, which was passed during the reign of Henry VIII. However, certain regulations governing the dress of the people of Ireland were also issued during this period. In 1536, King Henry, writing to the town of Galway, ordered that "every inhabitant, as well within the sayde towne, as the suburbs of the same, sho shave their over lippes... and suffer the here of their heddys to grow ~~to grow~~ ^{tyll} it cover their earys" (132)

The people of Galway were also forbidden to wear mantles in the streets and were commanded to wear cloaks, gowns, doublets and hose made in the English style, as well as English caps. No garments dyed with saffron might be worn and no more than five standard ells of cloth might be used in shirts or smocks.

These prohibitions were further enforced by the (133) Irish Act, by which the people of all Ireland were forbidden

131. Stat. of Realm, vol. iii, p. 432 - 2d Henry VIII, c.15.

132. State Papers, ^{part 3} /vol. ii, p. 309.

133. 2d Henry VIII, c.15.

to wear shirts, stocks, kerchiefs, neckerchiefs, handkerchiefs, linen caps, and other specifically named garments, dyed or ~~with~~ colored ^{with} saffron, or to use in their shirts or stocks more than seven yards of cloth. Women were ordered not to wear any kirtle or coat tacked up or embroidered or garnished with silk, etc., after the Irish fashion, and both sexes were directed not to use any mantle, coat or hood made according to the Irish mode.

The use of the Irish style of dress was prohibited, apparently, not only because it was regarded by the English as barbarous and uncouth, but also because it seemed to them the symbol of Irish nationalism which the conquerors of Ireland were desirous of suppressing and because the difference in dress made it apparent that the Irish were of a race alien to the English. The latter sought to wipe out all outward signs of the disparity between the two races and to make the Irish Anglo-Saxon in appearance if not in heart. Hence the requirement that the inhabitants of Galway should shave off their mustaches.

The regulations issued with regard to Irish dress seem to have had some effect, though perhaps not as much as the English government fondly believed. In 1537, in a document containing information for the use of the king's commissioners in Ireland, it was stated that every Irishman who possessed one plough of his own wore a coat, gown or cloak made in the English fashion. (134) Three years later the Lord Deputy and Council of Ireland, in a letter to Henry VIII, said, speaking of the people

of the enmity of Leirster, "They haue ... of the selves
 ... entlie to your obedience, and fully contented to leave the
 names ... and be now ... of the Engliche
 apparell".⁽¹³⁵⁾

The acts relating to dress which were passed by
 Parliament during the reign of Henry VIII were supplemented by
 royal proclamations. These are the earliest proclamations
 dealing with clothing of which any record has been found, though
 similar royal orders may, perhaps, have been issued at an
 earlier date. The first proclamation of this kind of which
 anything is known was one issued "before November," 1511.⁽¹³⁶⁾

The text of this order has not been found, but we know that it
 was directed against excess in apparel. A Venetian merchant,
 Lorenzo Pasqualigo, writing to his brother, Francesco, from London,
 on November 12,⁽¹³⁷⁾ mentioned the proclamation which, he said, for-
 bade all Englishmen except lords and knights, to wear silk.
 It also ordered that doublets should not be made of any
 material except camelot. It was to go into effect at Christmas.
 Certain penalties for its infraction were ordained. In order
 to set a good example to the lower classes, so Pasqualigo
 declared, the king and the whole House of Lords had dressed
 themselves in long, grey cloth gowns. This was done in order
 that the gentry might save up their money and purchase arms and

135. Ibid; part 3, vol. iii, p.269. We have, for a 1541's
 description of how an Irish chieftain, dressed in his best,
 looked. This man, O'Donnell is said to have worn a coat of
 crimson velvet, with aglets of gold, a great double cloak
 of crimson satin, trimmed with black velvet, and a bonnet
 with a feather full of aglets of gold. This sounds as if he
 had adopted English dress. (Ibid., p.320.)

136. Calendar of Tudor and Stuart Proclamations, vol.i, p.7

137. Calendar Venetian State Papers, vol. ii, p.54. See also ibid., p.13

Horses, in a proclamation of 1534. It is a
as called of the, [unclear] [unclear] [unclear] [unclear] [unclear].
It should, he feared, prove very injurious to the [unclear] of
Tuscan, and his [unclear] to [unclear] [unclear] [unclear]. If the pro-
clamation remained in force, they would probably be unable to
remain.

The proclamation of 1531 seems, according to this
account of the act, to have been issued as a measure. The
royal proclamation, put forth by the king himself in 1532, and entitled
"A proclamation concerning the punishment of divers great and
offences against the laws and statutes of this realm, in which
were recited,"⁽¹³⁸⁾ seems to have been part of the contents of an
ordinary sumptuous regulation. It referred to acts made by the
king and his predecessors in order to amend the government
of "good peas", especially acts directed against publishing false
news, idle begging and vagabondage, unlawful games, the celebra-
tion of excess in apparel, etc. All these had been hitherto
to be put in execution (indicating that they had not been
precisely enforced). All justices, commissioners and other
officers were ordered to execute the same without partiality, and to
have a vigilant eye and "strong eye" for all offenders in execution.
The king declared that he would reward faithful service in the
execution of the laws, and would punish negligent officials.
All English subjects were also commanded to obey the laws re-
ferred to, on pain of full penalties being exacted. In February,
1533-34, a royal order in respect to this subject was issued,

138. Tudor and Stuart Proclamations, vol. i, p. 26. See also
Rising-Suns, vol. iii, p. 216 (1618), cited in this.

beginning with the words "We commande that no person should use
 excess of apparel passed in this piece of Parliaments" etc. (139)
 Again on May 27, 1534, there appeared a "Proclamation concerning
 Apparel" count signed, by William Fitzwilliam and Thomas
 Fadlett. (140)
 Both of these proclamations are preserved in manuscript
 which the writer so far has been unable to consult, and they
 indicate the continued efforts toward safe conduct, and point
 out the authorities upon whom the burden lay, namely, the king
 and the privy council.

The fact that matters, such as the regulation of
 apparel, which had, in earlier times, been controlled mainly,
 if not entirely by statutes, were, during the sixteenth century,
 dealt with to a great extent by proclamations falls in line
 with the absolutism of the Tudor sovereigns who dispensed with
 Parliament whenever it suited their purposes to do so. The
 issuing of proclamations by the crown, however, was not without
 legal sanction. In 1534, 51 Henry VIII, c.8 formally empowered
 the king to legislate by means of proclamations. "The King in
 the time being, with the advice of his council, or the more
 part of them, may set forth proclamations under such penalties
 and pains as to him and them shall seem necessary, which shall
 be observed as though they were made by Act of Parliament; but
 this shall not be prejudicial to any person's inheritance,
 offices, liberties, goods, chattels, or life; and whosoever shall
 willingly offend any article contained in the said proclamations;

139. Tudor and Stuart Proclamations, vol. 1, p.15, no. 139. See
 also Cal.S.P. 7, 256; B.N. Harl. 442.86; Antiq. 1 (67);
 P.N.C. Ex. P. Miss. 231.194.

140 Tudor and Stuart Proclamations, vol. 1, p.16; cited in
 Harl. 442.90. Antiq. 1 (70) Cal.S.P.7, 791.



and if any offender will depart the realm, and the intent he will not answer his said offence, he shall be adjudged a traitor." (141)

In addition to the royal proclamations, we have an ordinance on the subject of dress passed by an English city even more ancient than Coventry. Mr. J. P. Pepton, in the twenty-seventh volume of the "Archaeologia", quotes Lysen's "Cheshire" to the effect that in the thirty-second year of Henry VIII, the mayor ^{of} Chester, in order to distinguish married from unmarried women, ordered that "no unmarried woman should wear white or other colored caps, and that no woman should wear any hat, unless when she rides or goes abroad into the country (except sick or aged persons) on pain of paying 3 s. 4 d." (142)

This appears to be unique in this reign in that it refers to women's dress alone. The statutes of apparel usually regulated both men's and women's dress, though more stress was generally laid on the subject of male attire than that of female attire. Judging from contemporary pictures and descriptions of the costumes worn by the great ladies of the time, this neglect of women's dress can hardly have been caused by a conviction that the women were less extravagant than the men.

One result of the passage by Parliament of the act of 1533 was the issuance by the king, in accordance with the

141. See Stat. 31 Henry VIII, c.8. Quoted in A. V. Dicey, Introduction to the Study of the Law of the Constitution, pp. 48-49. See 34-35 Henry VIII, c.23 for the way in which the proclamations issued by the king and the council were to be duly enforced and executed (Stat. 1., vol. iii, p.323)

142. The manuscripts of most of these proclamations are, according to a list possessed by the Library of Congress, to be found in the Library of the Society of Antiquaries of London.

143. Quoted in Pictorial History of England, vol.ii, p.368.

power as given him by that act, of the... different from those already alluded to. Both were put forth in 1534. The first one licensed the officers and servants of the king, queen, and princess to continue to wear whatever apparel they then possessed until Palm Sunday, notwithstanding the statute of apparel. The second proclamation extended the term of the licence until All Saints. These were in the interest of economy and made easier the transition to the new regulations.

That the law was probably not strictly enforced in regard to any class in society is shown by various other bits of evidence. In part two of an imaginary dialogue between Cardinal Pole and one Lupact, written by Thomas Starkey, Pole and his companion are discussing various means of remedying the evils of the time. They decide among other things that a "statute of apparel must be put in execution", ^{(146) just} as if it had not been enforced in the past. In April, 1537, in a deposition before Sir Thomas Nevell, Justice of the Peace, Wm. Jones, a schoolmaster of Westmallyn, Kent, stated that he had gone to a certain shop, "where lay certain acts concerning apparel, artillery and unlawful games." Upon seeing these acts, one of his companions expressed the hope that they would be better enforced after the king had disposed of other matters in hand. ⁽¹⁴⁶⁾

144. Letters and Papers, Foreign and Domestic of Henry VIII, vol. vii, pp. 105, 279.

145. Letters and Papers, Foreign and Domestic, of Henry VIII, vol. viii, p.81 (1535).

146. Ibid, part 1, vol.xii, p.447. The subject of the deposition was a speech made by a priest, the was accused of sedition.

The writer has been unable to find any reports or even mentions of law cases involving the wearing of fur-trimmed clothing. This is not conclusive evidence that there were no such suits, but it is strange that the abundant records of the privy council are silent on the subject. For a time, under pressure from Wolsey, the statutes seem to have been put into execution, but after his death, attempts at enforcement were probably dropped. Internal evidence found in the acts themselves leads one to the same conclusion. All four of the statutes of apparel enacted during the reign of Henry VIII were very much alike in their provisions and even in their wording. Why should practically the same act have been reenacted again and again, if not to keep the subject of extravagance in dress constantly before the minds of the people and thus make up for the lax enforcement of the laws?

As to the question of why it was found impossible to enforce these laws, that is a problem with regard to which there is very little evidence. All that can be said is that, if Hall's account is correct, the people keenly resented Wolsey's attempt to enforce the laws and even hated him because of it. This would seem to indicate that enforcement was not supported by public opinion, and as everyone knows, it is almost a hopeless task to try to carry out a law when public opinion is not back of it.

In addition to the acts of apparel, sumptuary regulations of another kind re-appeared in the first half of the sixteenth century. In 1517, a proclamation intended to provide against excessive fare at feasts was issued. It decreed that

stewards of woods, as also the justices of the peace of the houses, were limited to a certain number of fish which they were allowed to buy certain kinds of fowl. Nevertheless, in regard of the great confluence of people in this parliament time and the scarcity of fish, the King, by proclamation, dispensed with the eating of white meats in Lent, forbidding yet the eating of flesh so strictly that Henry, Earl of Surrey, with diverse lords, knights and gentlemen were imprisoned for offending herein".⁽¹⁴⁹⁾ A far more serious measure of this kind of course bears a different social aspect from the regulation of personal expenditure upon luxuries.

The subject of unlawful games again engaged the attention of the authorities during the reign of the first "Defender of the Faith." For example, the Lord of Coventry, becoming disquieted at the reckless lives and illicit amusements of those under whose rule he reigned, in 1509 charged the Aldermen of the several wards to make search "for all them that keep disreule"⁽¹⁵⁰⁾ and to commit them to ward, or, if they persisted in their evil ways, to banish them from the city. In 1513 at a meeting held on the feast of the Translation of St. Edward another ordinance was passed, enjoining the Aldermen to make enquiry for vagabonds, suspected alehouse, unlawful games, etc, and to "suffre no unlawful games to be maid; also to see the exersysyng of shoyng in long bowes"⁽¹⁵¹⁾. In spite of these

149. Parliamentary History, vol. i, pp. 56-567.
 150. Henry D. Harris, Life in an Old English Town, p.229-30.
 151. The Coventry Leaf Book, part iii, p.262.

ordinances, 1548, the evil appeared to have been a little
 century advanced. In 1548, we learn that they passed their
 time drinking in taverns, and "playinge at the cards on
 tables" ⁽¹⁵²⁾ and spend all that they can gett prodigally upon they-
 selves to the highe displeasure of God and theyre own yepov-
 erching." ⁽¹⁵³⁾ It was forthwith decreed that any of these prodigals
 who should be found resorting to any ale-house on a workday
 should be imprisoned for a day and a night.

In the third year of Henry's reign, Parliament, too,
 began to devote itself to the consideration of unlawful games.
 The House had assembled on February 4, 1512 in the Painted
 Chamber, with the king on the throne. William, Archbishop
 of Canterbury, who was still lord chancellor, told Parliament
 that it had been "called in order to correct and amend all the
 statutes and ordinances which were found to be contrary to the
 common course of justice and the laws" ⁽¹⁵⁴⁾. Because certain games
 were supposed to prevent the practice of husbandry, an act was
 passed ordering all servants in husbandry, all laborers, etc,
 under the age of forty, to use bows and arrows on Sundays and

152. Playing the game of draughts.

153. Harris, p.320.

154. Parliamentary History, vol. 1, p.478 ff.

holy-days, and "to use all playi⁽¹⁵⁵⁾ng of tennis, foot-ball, coits, dice, and other such imperture games." It was also provided by this act that summers should be imprisoned and fined, but that provision was subsequently expanded. "For the better understanding of which act, another was passed, whereby the use of the cross bow was also forbidden"⁽¹⁵⁶⁾ The first-entitled law was confirmed and made perpetual by another act passed three years later.⁽¹⁵⁷⁾ A similar law, prohibiting the use of other games called crosse, half bowl, kayles, quich-boorde, etc., and the keeping of houses where such games could be played, was enacted in 1535,⁽¹⁵⁸⁾ by the Reformation Parliament which had already severed the English Church from its legal connection with Rome, and which subsequently passed the act providing for the dissolution of the monasteries. The act of 1535 remained in the Statute Book until 1897.

The most important law dealing with unlawful games which was enacted under Henry VIII was the act passed in 1541-42⁽¹⁵⁹⁾

155. Stat. L., vol. xxiv, p.443, and vol. iv, p.331 - 3 Henry VIII, c.3.

156. Parliamentary History, vol. i, p.478 ff.

157. Stat. L. vol. iv, p.154 - 3 Henry VIII, c.3. See also Parliamentary History, vol. i. pp. 181-82. The use of hand-guns and cross-bows was forbidden, under certain penalties to all whose income was less than 300 marks a year.

158. Stat. L. p.386 - 27 Henry VIII, c.25, sec.5. By this time, Wolsey was dead and Cromwell had succeeded him in power.

159. Ibid, vol. v, p.79, ff. - 33 Henry VIII, c.9.

which regulate the game of bowls, and in the same reign. The first part of this act provided that tables and shuffle-tables were under sixty square feet (except the change) should practice shooting with long-bow, or bow, or bow and arrows in his house for that purpose. Several other provisions with regard to another fellow of this age, and other come regulations with regard to unlawful games, regulations which forbade anyone "for his gain, living, or living, to keep, have, or hold any court-house, or any other place of bowling, coyling, half-bowl, tennis, rickling, or any other unlawful game," on pain of forfeiting 10 s. for every day of keeping such a place or allowing such a game to be played. Every person playing at such houses was to be fined 8 s. 6 d. for every offence. Justices, mayors and other heads of officers of towns and cities were authorized to enter houses where games were suspected to be "exercised" contrary to this act, and to arrest the keepers and players, and keep them in prison until they found sureties not to offend again. Such ~~and~~ *chief officers* ~~officers~~ were directed to make search for gaming-houses at least once a month. If they neglected to do so, they were to forfeit 10 s. No artificer, husbandman, apprentice, journeyman, laborer, or serving-man was to be permitted to play at the tables, tennis, dice, cards, bowls or any other unlawful game, except at Christmas, on pain of paying a fine of 20 s. for every offence. At Christmas time, they were only to play in

the house or in the presence of their masters. They were never to play bowls in any open place outside of a garden or orchard. All leases of houses where unlawful games were played were declared void. Masters were given permission, however, to license their servants to play at cards, dice or tables, with them or with any other gentlemen, in their master's house or presence; and any nobleman or person having an income of £.100 a year might license his servants or family to play "within the precinct" of their houses, gardens and orchards at cards, dice, tables, bowls or tennis. (161)

From the great emphases placed by this act on the practice of archery, it is obvious that the main reason why the playing of games was hedged about with so many restrictions was because, as in earlier times, it was feared that such playing might interfere with acquirement of skill in shooting with the long bow. In fact, it is said that archery had fallen into disuse in 1542 and that a desire to revive it was the sole motive behind the passage of this act. (162) It seems probable, however, that a desire to prevent the poorer classes from wasting their money on gambling furnished an additional reason for its enactment.

At least one proclamation forbidding the use of unlawful games was issued, in addition to the statutes, while Henry VIII was on the throne. This occurred in the eighteenth year of his reign, and commissions were sent into every shire

161. Ibid.

162. William Jerdan (ed.). *Futland Papers*, in Camden Society Publications, no. 21, p. 217.

in order to execute it. Everywhere "tables", dice, cards, and bowls were seized and burnt. "The before the people gathered against the Cardynall, saying that he grudged at every thinge pleasure, saving his owne, but this Procla. scith shall time endured: And when young men were forbidden bowles and suche other games: some fell to drinking ... and stealyng of dere in parkes, and other unthriftiness." (163) On November 18, 1527, commissions were directed to the leading men of various counties, authorizing them to put into effect, among other things, the statutes against vagabonds and unlawful games. Justices of the peace were instructed to enforce these laws and also to put down disorderly inns and ale-houses. Out of these commissions arose the case of Bareth et Al. v, Newby (January, 1528). Newby was charged with several crimes. One of the charges was that he had indulged in the forbidden games of tables, dice and cards. The commissioners ordered him to appear before the Court of Star Chamber. What fate he met with there is not recorded. Let us hope he was brought to see the error of his ways. (164)

Ten years later (in January or February, 1536), we find it noted down in Cromwell's "remembrances" that the Lord Chancellor was to have all the justices of the peace before him on the next day "in the Starred Chamber, specially giving them charge for bruiting of news, vagabonds and unlawful games." (165)

On the 4th of May, in the same year, Sir Launcelot

163. Hall, Chronicles, vol. ii, p.149.

164. Select Cases Before the Court of Star Chamber, Selden Society Publications, vol. xxv, pp. xliii & cxxiv (introduction).

165. Letters and Papers of Henry VIII, part 2, vol. xlii, p.541

Fooke, a curate at Hunter, Kent, was brought up before John Colepeper, commissary of the place. It was charged that this priest generally slept in the alehouse and "did" unlawful games. Whether this charge was proved or not is not stated. (166)

The clergy, as well as the civil authorities, seem to have been determined to put an end to gaming, which was apparently very common, both among their own number and among their parishioners. John Voysey, Bishop of Exeter, in May, 1532, exhorted the clergy to avoid taverns, alehouses, and other such places, and "the plying at cards, dice, tables, or any other damned or unlawful games", language which indicates that the good bishop felt very strongly on the subject. (167) Another ecclesiastic, Roland, Bishop of Coventry and Lichfield, directed his clergy to publish every Sunday from the pulpit, certain regulations, among which were some prohibiting gaming during divine services. Evidently the gambling-houses had been luring away the parishioners even on Sundays and holidays, when they should have been in church. (168)

166. *Ibid.*, part 1, vol. xiii, p. 311.

167. *Ibid.*, p. 404.

168. *Ibid.*, part 2, vol. xiii, p. 349.

169. For statutes relating to maintenance and liveries, passed during the reign of Henry VIII, see the Link to the Statutes at Large; also Letters and Papers of Henry VIII, part 1, vol. ii, p. 395; State Papers, part 1, vol. iv, p. 52; vol. v, p. 408.

All these efforts to put a stop to gaming and encourage the healthful sport of archery seem to have met with little success, so far, at least, as the latter object was concerned. In 1344, Roger Ascham saw that archery had fallen so greatly into disuse that he tried to encourage it by his pen. He counselled the gentlemen of England not to exchange the bow for any other weapon. In 1540, Letimer, Bishop of Worcester, in a sermon preached before Edward VI, protested against the gradual deterioration which was taking place in the English skill with the long-bow. (170) However, the use of fire-arms had gained too much headway for expostulations to stop it. It was continually on the increase and the long-bow was docketed. Gaming, too, seems not to have been seriously affected by the laws directed against it. It is said that card playing was very prevalent at the court of Henry VIII. (171) However, that may be, it is certain that gambling was not rooted out at this time, since a number of later acts were directed against it.

The price-fixing regulations which had been so common in the Middle Ages had not yet died out. These were, of course, neither sumptuary laws nor attempts at personal regulation, but it is interesting to study a few of them for purposes of comparison and as affording indications of the spirit of the age. During the twenty-third year of Henry's reign, a law was passed authorizing the fixing of the prices of ale

170. The Antiquary, vol. xi, p.104.

171. See Col. Spanish State Papers, index. One of the reasons given for the passage of the act which removed the sanctuary from Lancaster was that it occasioned idleness, unlawful games, unthriftiness, and other enormities in the servants, laborers and other inhabitants of the town. (J. Hellingworth, Henricianensis, p.62).

and the control of the cities and justices of the peace
 in the county by the mayors and sheriffs, and provided some
 imposed on the people the tolls for the sale of goods and
 that established by these officers. The purpose of this law,
 as it concerned regulating the sale of food and drink, was
 in a number of ways. In 1337, Thomas Aquinas, at that time
 lord chancellor, in a letter to Cromwell, advised that a
 reasonable price for wheat and rye should be set by the law.
 Those who had bought in order to sell again should, he thought,
 be allowed a profit of from 10 d. to 12 d. in the quarter not
 more.
 (173)

One finds a number of instances in the State Papers
 and elsewhere of similar attempts to fix prices or suggestions
 that prices should be fixed. The Privy Council, at a meeting
 held at Hampton Court on January 2, 1541, directed that a
 letter should be sent to the Mayor of London to inquire how
 sugar and spices were sold at "Lincoln and Andoverpe," in order
 that the council might fix the price of certain sugars and spices

173. StatL., vol. i, p. 333 -37 Henry VIII, c. 1. During the
 fourteenth and fifteenth centuries, the slow English
 towns were becoming so much and the number of few sub-
 stantial householders who were not engaged in the
 victualling business and eligible for the duty of
 relating to the sale of food and ale that the regulations
 of the town were relaxed in their favor in 1515
 (Curia Regis, vol. i, p. 333).

174. State Paper, vol. i, pp. 117-118.

in

(148)

(177)

French

no

instituted

(173)

171. Letter of Henry VIII, 1534, p. 11, 12, 13. It is interesting to see how what is called "the English people" is distinguished from the "other people" which have been mentioned in the Statute in Book I, c. 1. Henry VIII says, "I have heard that the English people are called 'the English people' and not 'the people of England' as the other people are called." (State Papers, vol. i, p. 132. See also ibid., part 3, p. 111, p. 131.)

172. Henry VIII, c. 11

173. 21-25 Henry VIII, c. 5 (See Stat. I. c. 11, p. 131)

177. Letters and Papers of Henry VIII, part 1, p. 111, p. 131. It is interesting to see how what is called "the English people" is distinguished from the "other people" which have been mentioned in the Statute in Book I, c. 1. Henry VIII says, "I have heard that the English people are called 'the English people' and not 'the people of England' as the other people are called." (State Papers, vol. i, p. 132. See also ibid., part 3, p. 111, p. 131.)

175. Letters and Papers of Henry VIII, part 1, p. 111, p. 131. It is interesting to see how what is called "the English people" is distinguished from the "other people" which have been mentioned in the Statute in Book I, c. 1. Henry VIII says, "I have heard that the English people are called 'the English people' and not 'the people of England' as the other people are called." (State Papers, vol. i, p. 132. See also ibid., part 3, p. 111, p. 131.)

collar was quite small and the ruff to be the classic least round.

The doublet showed no change, but the collar of the shirt, which was frequently left unbuttoned with the strings hanging, began to show signs of the ruff of later years. Dress, on the whole, was much plainer than it had been in the reign of Henry VIII. The sleeves fitted more closely and were not so full of cuts and slashes. The materials of which the garments were made were rich, but the ornamentation was perhaps not so lavish. Shoes were still broad in the toe.

In spite of what Crowley has to say, there was an even more marked change toward simplicity in women's dress than there was in men's costume. The elaborate headdress, the diamond-shaped French hood, had almost entirely disappeared. The rich wore a half-hoop, set back from the forehead, and with a streamer of velvet or silk, which was allowed to hang down the back, attached to it. Later on, this hoop became pointed in the center. Women also wore rather baggy, cap-like cloth hoods, with a hanging piece behind.

The most notable change in women's dress was in the collar of the gown which suddenly sprang into existence - high behind and very open in front, showing a piece of the underdress. Or this collar, was sewn and embroidery or other trimming. It was often detachable and later became a separate article - the ruff - underpropped with wires to hold it out stiffly. The ladies preserved the same stiff-bodied appearance which they had had in the previous reign, though, in the simpler dresses, the skirts were not quite as voluminous as they had been heretofore. When overcoats were worn, they usually had hanging

sleeves, the collar of the hooded robe, and the girdle, and the ⁽¹⁸²⁾ shoulder-pieces.

One of the foreign ambassadors, Johan Scheyffve, resident in England and writing home about the middle of the sixteenth century, declared that "the subjects of this realm (are) wont to live in pleasure-seeking and idleness, hawking, taverns and become wholly idle and dissolute, while the monarchs are continually for the country, buy at great price in return, nor do any real business here". He added, implying apparently that these laws were proposed as partial remedies for the state of affairs which he had described "Certain other bills concerning dress ^{now} brought before Parliament, but afterwards ⁽¹⁸³⁾ dropped"

It is a curious fact that, in spite of what the contemporary writers had to say about the extravagance of the period, no sumptuary laws, properly so-called, were enacted during the reign of Edward VI. Perhaps the writers were exaggerating, intentionally or unintentionally, or possibly the evil was not so wide spread as they supposed. What seems more probable is that the government was too busy with other and important problems to concern itself just then with sumptuary legislation. At any rate, only a few acts were passed during Edward's reign which seem worthy of mention in connection with our subject.

One of these was a statute enacted in 1543, about

182. Colthurp, vol.iii, p.53 ff. For pictures of the dress of the Edward VI period, see pp.72, 73, pp.156, 87, 88, and plates 36 and 37.

183. Calendar of Spanish State Papers, vol.iii, p.53.

a year after the young king came to the throne. After a preamble setting forth that difference kinds of food are indifferent before God, it nevertheless enjoins all men to eat fish as heretofore on fast days. This is not ordered as a religious duty or for sumptuary reasons, but in order to encourage fishermen, give them a livelihood and thus maintain for the navy. Here we have economic and military motives again playing their part in the regulation of the daily habits and life of the English people. (181)

Some time later an act of a totally different character was passed by the Parliament which met at Westminster on the thirtieth of January, in the fifth year of Edward's reign, and which continued in session until April 15 of the following year. Just about this time, the government was beginning to experience considerable difficulty because of the increase of drunkenness. Crowley says that in his day there were many tipplers in England, who drank "lustily wache of the night", and that, instead of avoiding the company of these drunkards, many curates "do all their parishioners in daynaryng excell,"

184. Stat. L. vol. vi, p. 314 - 3 and 3 Edward VI, c. 19. See also a similar act, 5 and 6 Edward VI, c. 3, p. 35, ff. We have a description of the kind of food eaten in Lent, later on in the same century, in "The Expenses of the Judges of Assize Riding the Northern and Oxford Circuits, 1596-1601", in the Camden Miscellany, vol. iv. It is stated that, at the assizes held at Exeter Castle on Monday in the second week of Lent, the judges had "2 pieces of ling, 1 eel, 1 herrings, 2 small caper, 1 stockfish, and a tart, for Monday's supper". Compare this with the menu for an ordinary occasion (not a fast-day): "...For Sunday's supper, 1 turkey-pie, 1 neat's tongue-pie, 3 joints of mutton, 1 caper, a breast of veal, a loin of veal, 1 a lamb, a hen, 4 chickens, a chicken-pie, a calves' feet-pie, a lamb's purterances, and a tart" ... (pp. 32, 33, 35).

...the ...

"...It ... (181) ...

"...the ... (180) ...

This view ... the official ... at ... This was ... the ... (181) ...

The ... of the English ... continued to be ...

No
H

... no French ...

180. Crowley, ... those are tennis, ball, and ...

181. Charles ...

in proportion, and a penalty of £.300. This statute also provided, among other things, that "no merchant, citizen, or burgher, or any other person, nor any person as possessed property worth one thousand marks or 'half a penny' disparage ... the sum of one hundred marks of lawful money in England" (182) "in any way, should keep in his house or custody more than ten gallons of wine from France, Scotland, Guyen or any part of France, with the intent of using the same in his house, or for gain of forfeiting £.30. Moreover, no one was allowed to retail any kind of wine "to be drunk or spent in his or their mansion, use or houses, or other place in his or their tenure or occupation, by any calow, craft, engine or means." (183) Merchants, sheriffs, bailiffs, and lawyers were, however, permitted to keep as much wine as they chose in their houses, and to sell it to their friends, so long as they did not charge anything for it. This provision was evidently intended to prevent the turning of private houses into places where wine was sold without licenses.

The law as a whole was concerned, not with the moral, but with the economic aspect of drinking. The reason why the purchasing of large quantities of French wine was forbidden was evidently because the buying of such liquors was supposed to drain England of money. Johan Schuyfve, in writing home on April 10, 1552, mentioned that this law, together with others

182. Stat. L., vol. v, p. 405 ff. - 7. Stat. VI, c. 8. This act was repealed by 1 James I, c. 25, paragraph 13. It contained a number of other provisions as to wine buyers in Oxford and Cambridge, etc.

183. Ibid. p. 408.

be...
...sanction...
...that on one side...
...especially...
...ideas...
...of France...
...pair of...

Shortly after the passage of this act, Charles VI, Emperor of the Holy Roman Empire, died, and was succeeded by his half-brother, King Philip of Spain. The elections to the Parliament, which at that time were held during the latter half of October and the first week of November, 1381. Dissatisfied with the composition of her first two Parliaments, she sent around private letters to the Lord Lieutenant and Sheriffs of the counties, advising them to wish the electors to choose representatives "of their inhabitants, of the old laws require, and of the wise, grave and catholic sort," in short, such as she thought would do her work. She did not apparently suggest any names, but the Lord Lieutenants did

194. Cal. Spanish State Papers, vol. vi, p. 57. In the reign of Charles VI, 1381-1382, the king's policy was to keep things quiet and secure. The king's policy was thought to be due to a combination of causes, and it was intended to render food cheap by preventing its being bought at speculative profits (Crawford, vol. i, p. 111).

195. On August 3, 1383 writs had been issued for a Parliament to meet at Westminster on the following October 5. John Poldard was elected Speaker of the House of Commons. The Parliament was an exceptional one, possibly the only one, except in the affairs of the Spanish business. It was a great success, and it was the only one of its kind. The king's policy was to keep things quiet and secure. The king's policy was thought to be due to a combination of causes, and it was intended to render food cheap by preventing its being bought at speculative profits (Crawford, vol. i, p. 111).

(Over)

1. 61-62, 61. 1, pp. 608-612).

103. Parliamentary History, vol. i, p. 616-617, also Political History, vol. **vi**, p. 120 ff. The sheriffs were instructed to assure the people that it was not the queen's intention to take away any of the possessions obtained by them as the result of the dissolution of the monasteries, etc.

to have applied in 1811. The ...
 was, for my ... of view, ...
 House with which she had had to deal, ...
 forty per cent of the ...
 of the ...
 November 12 with a seal ... by the ...
 was ... the meeting place ...
 had accomplished ...
 since ... to the ...
 refused to sanction a ...
 Charles V, Philip's father, ...
 January 16. ⁽¹⁰⁷⁾ During ...
 filed with what had been ...
 exact ...

Since the passage of the ...
 subject, new fashions in dress had been introduced ...
 After Mary's accession, she suddenly changed the ...
 adapted to the ...
 of the gayest ...
 the Taylor, in 1802, ...
 with a good picture of the ...
 not so magnificent as that of the ...
 still very ...
 description of the ...
 children walked before her, ...
 gentleman ...

107. Political History, vol. 1, p. 136 ff.

covered with velvet and rings of gold. Some of the
 part of the Parsons and Friends, richly and simply dressed,
 some with gold, some with silver ...
 ... of black velvet lined,
 bordered with gold and garnished all
 round with embroidery of more than a pale in width. ...
 also articles of black velvet in the same manner as the
 suits, fully the half covered with embroidery ...
 these were the Spanish cavaliers, attired in cloaks of rubbery
 colored velvet, lined with cloth of silver, with a very fine
 fringe of all about and being beset with scarlet and
 yellow in the Spanish fashion ... Next came his Majesty in
 a chariot open on all sides, save for the canopy, embroidered
 with gold, and the trappings of the horses which were
 also of gold ... His Majesty was magnificently adorned, his
 mantle of silk, and his habit of gold with many and
 great jewels of great worth." The Friar and Elizabeth was
 dressed in cloth of silver, while even the least important of
 the courtiers wore a velvet suit and chain, "and others were
 arrayed sumptuously."⁽²⁰⁰⁾

The splendid attire of a man of noble rank during the latter
 part of the Tudor period are well represented in the portraits
 of Mary and Elizabeth. In a picture of a young nobleman
 de Here, the gentleman is attired in a salmon-colored robe with
 an elaborate collar of gold and silver.

200. Antonio de Guevara, The Adulation of King Henry VIII. (London: Richard Bland, 1817), p. 10, 100, 117. De Guevara was a Spanish merchant resident in London at the time of Henry VIII's reign.

has a lot of, in all...
...with gold...
...brown fur...
...French brood.

...of...
...this...
...The...
...list...
...hab...
...as a...
...only...
...of...
...award...
...ward...

The signs...
...that...
...the...
...signs...
...of...
...of...
...with...
...the...
...with

Col. ...
...
...
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a... of... , ... of... , ... of... -
... of... . I... ,
... of... , ... of... , ... of...
... of... after... . The...
... of... , ... of... , ... of...
... of... of... of...
... of... .

With the ... , ... of... ,
... of... first... . The... of...
... of... still... of...
... of... , ... of...
... of... , ... of... . The...
... of... with... high...
... of... made with... .

There was... of... of...
... of... , ... of...
... of... . High... , ... of...
... of... , ... of...
... of... of...
... of... of...
... of... , ... of...
... of... - the...
... of... , ... of...
... of... .

A good description of...
of "Flower...", as... of...
... of... to the... of...
of... 30, 1897. The... of... .

the passage of this law.

It was provided the justices, coroners, sheriffs and stewards in the counties and, in the towns, mayors, sheriffs and bailiffs might lay offenders against the statute; and that anyone who brought a writ against the offender should receive one half of the forfeiture, if the forfeiture occurred in a town, and that the officers of the town should get the other half. If the forfeiture occurred outside of a town, however, the king was to get one half of the forfeiture, and the person bringing suit the other half; and if it occurred in a leet or lawday, the owner of the leet or lawday was to get one half. The offender was to be kept in jail until he had paid his forfeiture. This act, as can readily be seen, was much shorter and less detailed than those passed during the reign of Henry VIII. It applied only to the wearing of a single fabric - silk -- and affected, with a few exceptions, the lower and poorer classes of society alone. The upper classes were still kept in check by the statutes of Henry VIII.

Just as it had been found necessary in the time of Edward IV to pass several laws regulating the use of long-pointed shoes, so now, we are told, an attempt was made to do the same thing with regard to the new style of footwear. Bulwer;

307. A leet was the district within the jurisdiction of a court-leet, which was a court by means of which the lord of a manor exercised the official jurisdiction granted to him by royal franchise. It was a police court of record, presided over by the lord's steward and coadjutors with the sheriff's turr (or tourn), with jurisdiction over affairs of a public nature, and power to prevent offenses and punish offenses below the grade of felony. A law-day meant a day for holding court, especially a sheriff's court or a court-leet. The term was also applied to the session of a court.

"The ... of ...", the ... "the
 line of ... of ...", in-
 ... of ... of ... of ...
 in ... of ... of ... of ...
 ... of ... of ... of ...
 the. If ... of ... of ... of ...
 the ... of ... of ... of ... (100)
 The ... has ... of ... of ...
 but possibly ... of ... of ...

The licenses to keep gaming-houses, which had been
 sanctioned by the laws of Mary's father, had been so greatly
 abused, and had become a source of so much evil, (100)
 that the license for the keeping of unlawful games was declared null and
 void by the Parliam. at which was summoned by the act passed
 in October, 1577. (110)
 The act stated that no man should be admitted to
 this Parliament save such as were known to be of the true
 religion, and no evidence had been found to substantiate this
 sweeping statement. Consequently, it is certain that all
 the bills of the Parliament were read and passed, and that none of
 these were not introduced for the purpose of Mary's cause. (111)

It was not until the passage of the act of 1577, which
 rendered the gaming-house licenses null and void, that if

318. Printed in ... of ... ii, p. 1
 319. See ... pp. 36, 37
 310. See ... p. 9, ... ii, p. 1
 ... of ...
 ... of ...
 311. Political History, ... ii, p. 127-8.

Henry VIII null a statute which prohibited the
statutes was drafted by the queen, in 1534, and
attempts seem to have been made to put a stop to gaming.
The playing of unlawful games was apparently not prohibited,
not because it interfered with archery, which was fast
dying out, as because it was regarded both as an evil in it-
self and as furnishing an opportunity for evil. The
Venetian Ambassador reported to his government that on the
removal of the royal household to Hampton Court, "they did
not fail to give credit for the removal of all these ordinances
where gentlemen usually assembled to eat and drink, and in
which many persons met together and talked scandalously; the
masters of these places having been admonished, under Henry
penalties, never for the future to give admission to a game".⁽²¹⁵⁾

The courtiers themselves seem to have been specially
privileged with regard to games, as well as in other respects.
The same ambassador who wrote the passage just quoted, a
trained and careful observer like most of those who held that
office mentions that there was one official in the royal
household who had charge of providing cards and dice for gam-
bling at court and who received the profits derived from the
the sale of these articles. The man who held this position
during the reign of Mary, one Iselman (or Iselman) was

215. In Mary's reign, "the statutes of Henry VIII for the pro-
hibition of archery were much neglected, which it seems to
infer that they were not enforced." Archaeologist, vol. xii, p. 55.

216. Cal. Venetian State Papers, part 1, vol. 1, p. 15.

... (S11) ...
 ... of the ...
 ... step ...
 ... of the ...
 ... in 1857 ...
 ... in which she ...
 ... imprisoning the player, who had acted a "punch" ...
 ... He was commanded to keep these players ...
 ... in prison until he received further orders. The head of the ...
 ... play ... to be admitted to the consideration of the ...
 ... council, "who ...
 ... unto in the law."^(S11) ...
 ... his ...
 ... Fortunately, ...

S11. Ibid., part 1, vol. 1, p. 55, 184 (June 2, 1854).

S12. Acts of the Privy Council, 1854, vol. 1, p. 116.
 The suggestion of ...
 ...
 ...
 ...

The Reign of Elizabeth.

In 1558, Mary's unhappy and bloody reign came to an end, and Elizabeth, daughter of Henry VIII and Anne Boleyn, became queen of England. The period from her accession to her death in 1603 was one of great activity in the matter of sumptuary legislation and for that reason deserves to be treated in a separate chapter. Elizabeth was much more popular as a ruler than any of her immediate predecessors had been, and, under her, England became more powerful among the nations of the world,¹ and more prosperous than it had been for many years. She was a believer in strong government, and, like all of the Tudors, was inclined to be an autocratic sovereign, though she was forced to recognize the growing importance of the House of Commons. In spite, however, of her tendency towards absolutism, the great mass of the English people were quite content with her rule, because of the prosperity which they enjoyed, and because they knew that she had the interests of the country, and not merely her own selfish desires, at heart. Under Elizabeth the British isles enjoyed more abundance and lighter taxation than existed at that time in any other country of equal extent. There was also a great improvement in domestic comforts, the town dwellers and the substantial yeoman now living in a style superior in many respects to that of the nobility

1. After the failure of the Armada Elizabeth's years of triumph and the expansion of her kingdom began. The country advanced in wealth and prosperity, manufactures increased, the growing of corn again became profitable. Till the end of the century, the Queen, freed from all fear of attack, was able to carry on a successful foreign policy and to give her attention to religious matters. The destruction of the Armada enormously enhanced the reputation of England in Europe.

a century earlier.

A new chapter in English industrial history now opened. The mediaeval and feudal organization of society had broken down during the Renaissance and Reformation periods, and the human mind with its increased activity was no longer content to work under the restrictions which custom, tradition and law had built up. Various forces had co-operated to destroy those organizations which had in some measure protected the working classes, and, in the three preceding reigns, little had been done to build up any new institutions adapted to the changed order of things.

The period of transition had been one of great disorder and misery. Of the coming economic revival, there were few signs at the time of Elizabeth's accession. The Treasury was bankrupt and the credit of the government very low. Every branch of the administration was rotten. Domestic trade was stagnant. The spread of vagrancy and pauperism had scarcely been checked by the laws of Henry VIII, and the currency had been utterly disorganized by the fraudulent policy of successive governments, and the increase of clipping and of false coinage on the part of the public.

It was reserved for the reign of Elizabeth to usher in an epoch of economic well-being for all except the poorest classes, and to lay the foundations of England's commercial and industrial supremacy. The whole of this period was one of progressive amelioration, though there was a good deal of pauperism and suffering among the agricultural laborers, owing to the spread of the inclosure system.² The extension

2. By the middle of the reign of Elizabeth sheep-farming had prospered; prices of agricultural produce were rising, and a new interest was being taken in arable farming. The most disastrous feature of the period was the condition of the agricultural laborer; and in the increase of farming lay his chief hope of employment. For a description of the developments in arts, religion, literature, etc.,

of trade and manufactures caused the **rise** of wages and of prices, and, together with the inclosing of the open fields for the purposes of sheep-raising, was responsible for the drifting of a large part of the agricultural population to the towns (a movement which had begun in the early part of the sixteenth century) and the consequent formation of a middle class, destined to wield the power formerly held by the feudal nobility. The Tudor period in England was particularly the age of the advancement of the middle classes.³

Almost all ranks of society, however, seem to have shared in the general prosperity. The nobility and gentry displayed a magnificence in their mansions, dress, and entertainments surpassing all that had yet been known in England. Queen Elizabeth herself was perhaps the most noteworthy of the English leaders of fashion prior to the eighteenth century. Her personal vanity, her great fondness for elaborate and costly clothing and her enormous wardrobe (she is said to have had upwards of two thousand dresses) made her, in a period when splendid costumes were seen on every hand, "the glass of fashion and the mold of form". She conducted the government as economically as possible, however, and did her best, not always with success, to live within her income.

William Harrison, in his "Description of England", speaks of the frequent changes which took place in English styles during the Elizabethan period. "No form of apparel liketh us longer than the first garment is in the wearing, if it continue so long.... Such is

as well as in social life, in the reign of Elizabeth, see Traill, vol. iii, p. 417 ff. (illus. edition).

3. Political History of England, vol. vii, p. 1. The laboring classes were probably less prosperous than any of the others. They fed a constantly widening torrent of pauperism and crime.

our imitability that today there is none like to the Spanish
guise, tomorrow the French toys are most fine and delectable....
And as these fashions are diverse so likewise it is a world to see
the costliness and the curiosity, the excess and the vanity, the
pomp and the bravery, the change and the variety, and finally the
fickleness and the folly that is in all degrees. Oh, how much cost
is bestowed nowadays upon our bodies and how little upon our souls!....
Certes the commonwealth cannot be said to flourish where these abuses
reign, but is rather oppressed by unreasonable exactions made upon
rich farmers and of poor tenants where with to maintain the same."⁴

The incipient Puritanism of Elizabeth's time expended much
abuse upon the extravagant dress and the extraordinary, even sometimes
actually hideous, clothing of the period. Since this was the golden
age of literary production, the epoch in which England produced more
and greater writers than she had ever done before, it was natural
that many of the attacks made on the costume of the day should find
their way into print. One of the most outstanding examples of such
censorious literature was the "Anatomie of Abuses", by Philip Stubbs,
the first edition of which was published in 1583. This book was
written in the form of a dialogue between two men, Philoponus and
Spudeus. Philoponus described to his friend the island of Ailgna
(England) where, he said, he had spent seven years, and told him about
the "heinous inormities" which "doe raigne and rage" there. Of these
enormities, "the greatest abuse which, in my judgment both offendeth
God most and is there not a little advanced, is the execrable sinne of

4. William Harrison, "A Description of England", in Holinshed's
Chronicles, published in the Camelot Series under the title of
"Elizabethan England", pp. 107-113.

pride and excess in apparel.... The pride of apparel, objects to the sight, as an exemplarie of euill, induceth the whole man to wickednesse and sinne.

Spudeus. How is pride of apparel committed?

Philoponus. By wearing of apparell more gorgeous, sumptuous and precious than our state, calling or condition of life requireth, wherby we are puffed up into pride, and inforced to think of our selues more than we ought.... This sin of excess in apparell remaineth as an example of euil before our eyes and is a provocative to sin"....⁵

From this extract, it will be seen that the author is attacking extravagance in dress mainly on moral grounds - as offensive to God and as causing men to sin. He goes on to say that he is sure that there is no country in the world "so poisoned with this arsneke of pride or that hath drunke so deepe of this impotionate cup as Ailgna hath.... All nations [are] inferior to Ailgna in pride of apparel". "For it is manifest that all other nations under the sunne, how straunge, how newe, how fine, or how comely soever they think their fashions to be when they be compared with the diverse fashions and sondrie forms of apparell in Ailgna, are most unhandsome, brutish and monstrous. And hereby it appeareth that no people in the world are so curious in new fengles as they of Ailgna bee."⁶

When asked by Spudeus whether he considered it lawful for anybody to wear silks, velvets and other costly fabrics, Philoponus replied, "I doubt not but it is lawfull for the nobilitie, the gentrie and the magisterie, to weare rich attire.... The nobility and gentrie to

5. Philip Stubbs, Anatomie of Abuses, pp. 8 ff.

6. Ibid., p. 13 ff.

innoble, garnish and set forth their birthes, dignities and estates. The magisterie to dignifie their callinges, and to demonstrate the excellencie, the maiestie, and worthinesse of their offices and functions, thereby to strike a terrour... into the hartes of the people...." "And as for priuate subiectes, it is not at any hande lawful that they should weare silkes, veluets, satens, damaskes, gold, siluer, and what they list (though they be never so able to maintaine it) except they beyng in some kinde of office in the commonwealth...; or... for some speciall consideration or purpose. But now there is such a confuse mingle mangle of apparell in Ailgna and suche preposterous excesse thereof, as every one is permitted to flaunt it out in what apparell he lusteth himself, or can get by any kinde of meanes. So that it is very hard to know who is noble who is worshipfull, who is a gentleman, who is not; for you shall have those which are neither of the nobilitie, gentilitie, nor yeomanrie... go daiely in silkes, velvettes, satens, damaskes, taffaties and suche like; notwithstanding that they be bothe base by birthe, meane by estate and servile by calling".⁷

Here we see the old idea that class distinctions ought to be denoted by differences in costume re-appearing once more. Stubbs, in the passage quoted, goes so far as to say that nobody ought to be permitted to wear costly fabrics unless he is a magistrate or belongs to the nobility or gentry. Things have come to such a pass, he cries, that one can no longer tell a lord from a commoner by his dress. It is well to remember that, throughout the course of English history, it

7. Ibid., pp. 16-17.

is almost exclusively in the pages of contemporary writers, like Stubbs, that one finds complaints of class distinctions in dress are not being preserved. The sumptuary laws themselves say little or nothing about this angle of the question, though many of their provisions were obviously intended to prevent the common people from imitating the dress of their betters.

Numerous portraits⁸ of "Good Queen Bess" have come down to us and are of interest because of the light which they throw on the costume of the day. In one of her pictures, she is wearing a stiff bodice of some figured material and over this an apparently sleeveless jacket of black. Her skirt is of a whitish color, covered with heraldic devices. Scattered over the waist and sleeves of the dress are brooches, square in shape, of red and white enamel. Around her neck is a large organ-pipe ruff,⁹ which reaches halfway up her head behind. Her sleeves have small lace frills attached to the cuffs, and around her neck are wound several strings of pearls. The frontlet of her French hood is of some red material, richly jewelled. The hood

8. In 1563, a proclamation was issued stating that many attempts had been made to make portraits of the Queen in "paynting, graving and pryntyng, wherein is evidently shown that hyther to none hath sufficiently expressed the natural representation of her Majestie's person, favor or grace." Therefore, yielding to the importunities of her ministers, the queen had agreed that "some coning person, mete therefor" should paint her portrait, and in the meantime all other persons were ordered to refrain from making portraits of her, though they might copy her picture when it was painted.

9. A character in one of Heywood's plays says, "The set of my ruff looked like so many organ pipes". (Archaeologia, vol. ii, p. 214)

itself is of black velvet, thrown forward over the head as if blown over by a wind from behind.¹⁰

The ladies of England were not slow to follow the example of their queen in the matter of dress and personal adornment. Cosmetics, hair-dyes and similar aids to beauty were much used at this period. Stubbs says, "The women of Ailgna (many of them) use to colour their faces with certaine oyles, liquors, unguents and waters made to that end, whereby they thinke their beautie is greatly decored".¹¹

"Hamlet", although the scene is laid in Denmark, is full of allusions to the England of Shakespeare's time. For example, his criticism of the ladies clearly had a contemporary application: "I have heard of your paintings too, well enough; God hath given you one face, and you make yourselves another: you jig, you amble, and you lisp.... Go to, I'll no more on't."¹²

Another allusion to the general use of cosmetics may be found in Marston's "Scourge of Villanie" (1599), where he says:

10. Harold Dillon, "Queen Elizabeth and her Portraits", in *The Antiquary*, vol. xxi, p. 142. See also a description of a portrait of the queen at the age of thirteen (Clinch, p. 73 ff.) and another painted in her sixtieth year, in which she wears a gown with a pointed, triangular stomacher, literally covered with precious stones. The latter is reproduced in *Archaeologie*, vol. ii, opp. p. 214.

11. Stubbs, p. 55.

12. *Hamlet*, act iii, scene 1.

... Her maske so hinders me
I cannot see her beauties deitie,
Now that is off, she is so vizarded,
So steeped in lemons juyce...
I cannot see her face." 13

The women of the Elizabethan period are thus apostrophized by another contemporary writer: "Draw neare, you wanton woorms, that leane your lofty heades upon the dainty pyllowes of pride; you that have periwigs to curle your haire, colours to paint your face, art to square your shoulders, bolsters to fashion your waste.... Your washing in sweet waters, your anynting with sweete odours,¹⁴ your muske, your civite, your baulme, and a number of devises to make the body sweete..."¹⁵ All this only succeeded in arousing the critic's wrath.

A detailed account of the headdresses worn by women at this period is given by Stubbs, who says that the hair was "curled, fristed, and crisped, laid out ... on wreathes and borders, from one eare to another." These towers of hair were underpropped with "forks, wiers", etc. "like grim sterne monsters, rather than chaste Christian matrons". The hair was often puffed or "bolstered" and allowed to hang over the face. Around the temples were worn great wreaths of gold and silver, and from the head hung "bugles, ouches, rynges, gold, silver and other trinkets."¹⁶ Perukes and false hair were much worn by the court belles of the day. Elizabeth is said to have appeared in hair of various shades. Fair hair was especially popular and hair-dyes and bleaches were used in order to obtain this much desired color.

13. Quoted in "the Antiquary", vol. xv, p. 162.

14. Langorous perfumes and scents were much in vogue.

15. Quoted by Andrew Hibbert, "Extravagance in Dress in the Days of Queen Bess", in Archaeologia, vol. xv, p. 162.

16. Stubbs, pp. 60-62.

In "Quippes for Upstart, New-Fangled Gentlewomen" (1595), an allusion is made to

"These flaming heades with staring haire,
These wyers turnde like horns of ram,
.
These glittering caules of golden plate."¹⁷

Over their elaborately arranged hair, women wore French hoods, hats, caps, and kerchiefs, of velvet, taffeta, wool, etc. According to Stubbs, even artificers' wives wore velvet hats every day, merchants' wives and "mean gentlewomen" French hoods, and poor cottagers' daughters woolen or taffeta hats, lined with silk or velvet. Cauls, made of openwork, so that the cloth of gold, silver or tinsel, with which the head was covered, might show through, were also fashionable, as well as "lattice cappes with three hornes or corners, like forked cappes of Popish priests".¹⁸

The caul, or cap, did not apparently prevent bonnets¹⁹ from being worn over ~~them~~^{it} and ~~were~~^{was} still quite fashionable. Mary, Queen of Scots, is said to have worn a caul at the time of her execution. A letter written to Lord Burleigh described her costume on that occasion and stated that "on her head she had a dressing of lawne edged with bone lace... a veil of lawne fastened to the caule, bowed out with wyre and edged round about with bone lace."²⁰

Women, as well as men, wore ruffs, also neckerchiefs of holland, lawn, cambric and similar fabrics, so fine that "the greatest threed

17. Quoted by J. A. Pepton, "Observations on Female Headdress in England", in *Archaeologia*, vol. xxvii, pp. 34-35.

18. Stubbs, p. 62 ff.

19. In the time of Henry VIII, a black velvet bonnet cost 17 s., a frontlet of blue velvet 7s. 6 d., and a Milan bonnet, "dressed with agletts", 11 s. Milan bonnets were also worn by gentlemen. The difference between the French and English hoods is not clear. The former was worn from the time of Henry VIII to that of Charles I. (*Archaeologia*, vol. xxvii, p. 37 ff.)

20. *Ibid.*, pp. 35-36. For other literary allusions to cauls, see *ibid.*, p. 35 ff.

shall not be so big as the least haire that is".²¹ The ruff as an article of female attire belongs especially to the period of Queen Elizabeth. The first suggestion of this form of neckwear may be found in the small frills worn as decorations or collars by both men and women during the reigns of Henry VIII, Edward VI and Mary. Elizabeth had not been long on the throne before much larger ruffs became fashionable. The introduction of the art of clear-starching from Holland (an art which Stubbs regards as an invention of the devil) and the use of poking-sticks for the arrangement of the folds favored their growth, with the result that they soon increased to an astonishing size. Not only were they starched, but it was often necessary to prop them up by what was known as a supportasse, a kind of support.

Ruffs of many different styles and forms were worn more or less contemporaneously. The shape depended upon the whim or caprice of each individual wearer. Generally, the ruff was formed by arranging the material in close convolutions or quillings, sometimes like a number of radiating pipes. In the earlier stages of the evolution of this article of dress, the circular shape was the most common. Later on, a small opening appeared in the front. Sometimes the ruff did not entirely encircle the neck, but was attached to the shoulders and rose high behind the head. Stubbs says that three or four minor ruffs were frequently worn, one below the other, and all beneath "the mayster devilruffe".²² Many such neckpieces were not only pleated, but trimmed with gold, silver or silk lace, or wrought all over with needle-work. "Some are wrought with open worke downe to the midst of the ruffe

21. Stubbs, pp. 62-64.

22. Ibid., p. 65.

and further; some with close worcke, some with purled lace and other gewgaws."²³ Occasionally ruffs were fastened to the ears of their wearers; sometimes they were allowed to hang loose over their shoulders.

"Women also there have dublets and jerkins, as men have..., buttoned up to the breast, and made with wirges, weltes, and pinions on the shoulder poyntes, as mannes apparel is for all the worlde."²⁴ They have not the slightest hesitancy, exclaims the horrified Puritan, about wearing "such wanton and lewd attire, which is proper only to men."²⁵

Women's gowns were usually made, in the Elizabethan period, of silks, velvet, grograin, taffeta, or of other fine fabrics, the wearing of which had been forbidden by earlier sumptuary laws. Such materials, according to Stubbs, cost from 10 to 40 s. a yard.²⁶ If the

23. Ibid.

24. Ibid., p. 68.

25. Ibid.

26. From 1583 to 1702, velvet was used chiefly for the clothing of wealthy men, sometimes of women, and for church purposes. Its average price during this period was 23 s. 11 3/4 d. Satin was next in price to velvet. It generally cost between 10 s. and 17 s. a yard. Sarsnet varied from 4 s. 6 d. to 10 s. Taffeta, a commoner silk fabric, varied so much in price that probably a woollen fabric was also known by this name. It sold for from 5 to 20 s. Damask, which appears to have been a silken fabric, cost from 8 to 16 s.

There was not much ready-made clothing during this period. Cloth was generally purchased by the consumers and made up by men's and women's tailors. In 1558, a cloth sack cost 26 s., 8 d., and, in 1566, 27 s. In 1583, a doublet sold for 50 s.; in 1600, a similar article brought only 4 s. 10 d. From 1596-1598, points cost 2 - 3 d. a doz. Gilt buttons, in 1587, were 2 s. 4 d. Cloaks varied from 23 s. to 70 s.; hose from 2 s. to 12 s.; stockings (netherstocks) from 2 s. to 7 s. Jersey stockings sold for 8 s. 8 d., the higher priced being described as Spanish. Boots averaged 8 s. 10 1/4 d. A shirt cost 3 s. 2 1/2 d. in 1603, and a frieze jerkin 4 s. 1 1/2 d. (Rogers, *Agriculture and Prices*, vols. iii, pp. 494 ff., 575-577; v, pp. 579-80, 730 ff.; vi, p. 731 ff.) See also a summary of the charges for apparel with rapier and daggers for the Earl of Oxford, from September 3, 1565, to the quarter ending March 22, 1567. (*Cal. S. P. Dom, Eliz., vol. xlii, no. 38.*)

whole gown was not made of silk or velvet, then it was almost certain to be "layd" with lace two or three fingers broad, or trimmed with velvet, edged with lace. Many styles were worn, "some with sleeves hanging downe to the skirtes, trailing on the ground, and cast over the shoulders like cove tailes".²⁷ Others had much shorter sleeves, which were slit up, laced with ribbons and tied with love knots. Sometimes capes, reaching down to the middle of the back, faced with velvet or taffeta, and fringed, were used as outer garments. Petticoats and kirtles were frequently made of cloth, taffeta, etc., fringed at the bottom, or trimmed with lace. Even yeomen's and cottagers' daughters wore such clothes, "whereby it cometh to passe, that one can scarsly know who is a noble woman, who is an honorable or worshipping ^{-ful} woman, from them of the meaner sorte".²⁸

The farthingale (or fardingale) was practically contemporary in origin with the ruff, having first appeared about or a little before the date of the accession of Elizabeth. It was a hoop-like arrangement, intended to be worn inside of wide skirts. At first, it was bell-shaped, small at the hips and broadening out as it descended. By the end of the sixteenth century, however, it had taken on a wheel shape and was very large on the hips. It was worn in its most exaggerated form in the time of James I. When fully developed, it was invariably accompanied by a long, stiff, and pointed stomacher,²⁹ which emphasized the breadth and bulk of the farthingale.

27. Stubbs, p. 69.

28. Ibid., pp. 69-70.

29. The use of the stomacher was not limited to the time of Elizabeth. Towards the end of the fifteenth century, the stomacher was worn by both sexes. (Clinch, p. 174.)

During the reign of Elizabeth both worsted and silk stockings began to be knitted³⁰ in England in great quantities. Three years after her accession the queen was presented by Mistress Montague with a pair of black knit silk stockings, which pleased her so much that she would never wear cloth hose again. Both gold and silver clocks on stockings were fashionable and frequently alluded to in both Elizabethan and Jacobean literature. In fact, they continued to be favorite adornments down through the eighteenth century. Stubbs says that, in his day, women wore netherstocks of silk, worsted, fine yarn thread or cloth, dyed all sorts of colors, such as green, red, white, russet, or tawny. Their shoes and slippers were of black, white, green or yellow velvet, or of English or Spanish leather, stitched with silk and embroidered with gold and silver. Such shoes were corked and apparently had high-heels or some attempt in that direction. An Elizabethan poem mentions

"These worsted stockes of bravest die,
And silken garters fring'd with gold;
These corked shooes to beare them hie,
Makes them to trip it on the molde.
They mince it with a pace so strange,
Like unta'nd heifers, when they range."³¹

Ornaments and jewellery, such as rings, bracelets, and armlets of gold, were much in vogue. Both ladies and gallants felt the constant need of consulting mirrors. Men wore them as brooches or ornaments in their hats, women at their girdles³² and in the centers of their fans.

30. It is said that a silk-stocking frame was invented by William Lee in 1599. (Stow, *Annales*, p. 869.)

31. St. Gasson, "Pleasant Quippes for Upstart New-Fangled Gentlewomen", quoted in *The Antiquary*, vol. xv, pp. 162-163.

32. The practice of wearing knives and purses at the girdle was pretty general among European women at the end of the sixteenth century. Knives were formerly part of the accoutrements of brides. It is supposed that they were presented with particularly splendid ones

They thus carried looking-glasses around with them wherever they went. Courtiers of both sexes often wore earrings.

William Harrison, like Stubbs, lamented the fact that the ladies of the Elizabethan period dressed with little regard for rank or fitness. "Such staring attire", he says, "as in time past was supposed meet for none but light housewives only is now become a habit for chaste and sober matrons. What should I say of their doublets... with sleeves of sundry colors, their fardingals, and diversely colored nether stocks of silk, jerdsey and such like, whereby their bodies are rather deformed than commended. It ... is now come to pass that women are become men; and the men transformed into monsters."³³

Although the men may not actually have been monsters, they were certainly no better than the women in the matter of dress. Stubbs pours out all the vials of his wrath and scorn upon them. He begins with their hats, some of which, he says, have pointed crowns, like steeples, rising a quarter of a yard or more above the tops of their heads. Others are flat and broad in the crown, and still others have rounded tops, with bands of various colors twisted about them. The hats themselves are made of many different materials - silk, velvet, sarcenet, wooll, and a certain kind of fine hair (beaver). The latter cost from twenty to forty shillings. "And so common a thing it is that every weryng man, councieman and other, even all indifferently, dooe weare of these hattes.

at the time of the wedding. (Francis Douce, "Observations on Certain Ornaments of Female Dress", in *Archaeologia*, vol. xii, pp. 215-216.) Perfumed gloves, embroidered in gold and silver, and masks of black velvet, used to protect the complexion, also came into fashion about this period. 33. Harrison, pp. 107-113. For an admirable description of the wardrobe of a lady, about the middle of Elizabeth's reign, see "A New Courtly Sonnet of the Lady Greensleves", cited in Clinch, p. 89.

For he is of no account or estimation amongst men if he have not a velvet or taffatie hat, and that must be pincked and cunningly carved of the best fashion.... And an other sort...are content with no kind of hat withoute a great bunche of feathers of divers and sondrie colours, peakyng on top of their heades.... Every child hath them in his hat or cap."³⁴

Many men wore enormous ruffs, "a full quarter of a yearde (and more) from their necks", made frequently of the most costly materials, "and whether they have argent to maintaine this geare withall or not, it is not greatly materiall, for they will have it by one meane or other...."³⁵ Their shirts were made of the finest materials, embroidered, stitched and worked all over, so that some of them, "which is horrible to heare",³⁶ cost as much as £ 10. The use of such shirts and of the costly materials, such as silks, velvets and satins, forbidden by the sumptuary laws, was not confined to the nobility but was general among all classes and, according to Stubbs, not only made the Englishmen of his day physically weaker than their forefathers, who, so he thought, had dressed more simply than they did, but "hath and doeth make manv a thousand...to beg their bread."³⁷

The doublets of the period were fairly long (reaching down to the middle of the thigh) and were quilted, bombasted and sewed, so that their wearers could "neither worke, nor yet well playe in them through the excessive heat thereof".³⁸ They were made of satin, camlet, cloth

34. Stubbs, pp. 39-40. Some of the different kinds of caps worn during the reign of Elizabeth are mentioned in "A Ballad of Caps", quoted in Clinch, pp. 90-91. See also Stowe, Survey of London, for the changes in male headgear which took place from the reign of Henry VII on. (Pp. 445-446).

35. Stubbs, p. 40 ff.

36. Ibid., pp. 42-43.

of gold, cloth of silver, and similar fabrics, and were slashed, cut, carved, pinked and trimmed with lace. At first they fitted the body closely, but the waist line kept getting lower and lower, until, towards the end of the reign, they assumed the shape which Punch wears to the present day.

The fashionable leg-coverings for men consisted of trunk-hose, or breeches (particularly the padded variety) and netherstocks (the modern stockings). The two were fastened together by a number of decorated ties called points. Long hose, covering the entire leg, were fastened to the jacket or doublet by means of a species of points called herlots.³⁹ There were several varieties of trunk hose in style in the reign of Elizabeth, namely, the French, the Gallic and the Venetian. The Gallic hosen were very large and wide and reached only to the knee. The French were not so large, but were ornamented in a very costly manner and ended in rolls of cloth, or ~~rolls~~^{canions}, below the knee. There was also another variety of French hosen, which it is not necessary to describe here. The Venetian style reached below the knee, where they were tied with silk points. Such trunk breeches were often stuffed with rags, wool, tow, or hair and thus swelled to an enormous size. A memorandum in the Harleian ~~MS~~^{Manuscript} states "that over the seats in the Parliament House there were certain holes, some two inches square, in the walls, in which were placed posts to uphold a scaffold round about the House within, for them to sit upon who used the wearing of great breeches stuffed with hair like woollsacks; which fashion being left the eighth

37. Ibid. Stubbs said that the disuse of fabrics made in England, together with the wearing of fine foreign stuffs, had thrown thousands out of work.

38. Ibid., pp. 44-45.

39. Clinch, p. 163.

year of Elizabeth, the scaffolds were taken down and never since put up."⁴⁰

Men's netherstocks and shoes were much like those of women. Even people having incomes of only 40 s. a year possessed, according to Stubbs, several pairs of silk or fine wool netherstocks, which cost 20 s. or more a pair. Silk stockings were often interwoven with gold and silver threads. The corked shoes and slippers, or pantoffles, of the period, bore their wearers up a fingerbreadth from the ground, but were hard to keep on the feet, uncomfortable because of their high heels, and not handsome, because they flopped up and down in the dirt and gathered heaps of clay.

Coats and jerkins, of many colors and styles, were used as outer garments. Some had collars; others had not. Some were tight; others, like the mandilian, which reached down to the thigh, were loose and somewhat resembled a bag or sack. These coats buttoned down the back, front or side, had big sleeves, small sleeves, or no sleeves at all, and were pleated, "crested", or gathered. Cloaks, made in many styles, colors, and materials, were very fashionable. Some had sleeves and hoods attached to them, others were trimmed with points and tassels of gold, silver and silk. The elaborate workmanship on them often made them very expensive. "Thus", says Stubbs, summing up his remarks on the subject of Elizabethan costume, "be this people a laughing stocke to all the worlde for their pride, and very caterpillers to themselves in wasting and consuming their goods and treasures upon vanities and trifles".⁴¹

40. Quoted in Strutt, *Dress and Habits*, vol. ii, pp. 143-144.

41. Stubbs, p. 86. His sarcastic remarks do not seem to have effected any change in dress, as many of the abuses which he attacked continued to flourish. For the costume of a gentleman of rank in the latter part of the sixteenth century, see the portrait of Lord Delaware in Clinch, described on p. 28. See also Green, vol. iii, p. 944, 978, and opp. p. 996; Partin, plates 38, 39, 40.

In order to put a stop to such wastefulness, a new act of apparel was passed by the Parliament which met for the first time on January 11, 1563. After having assembled the houses were prorogued to the next day, because the queen was indisposed. On the twelfth, she rode down in great state to Westminster Abbey, clad in a crimson velvet robe. At the abbey, she listened to a sermon preached by Dr. Nowell, dean of St. Paul's, and then went into the Parliament House. The lord keeper, Sir Nicholas Bacon, announced the cause of the summons, the real reason for which was the need of money to carry on the war with France. Sir Nicholas said that there were "faults in the imperfection and want of execution" of the laws, "which imperfection must be looked unto; and want of laws which needeth to be provided for and made; and to consider, if there be not too many laws for one thing; and those so large and busy, that neither the commons can understand the same, nor yet well the lawver, which would be brought into some briefer and better order".... "It is necessary to take care to have good ministers thereof; and second, to banish all fearfulness for prosecuting the same."⁴²

On January 15, Thomas Williams was elected Speaker of the House of Commons. In his speech after the election, Williams said: "Necessity is grown among ourselves so that no man is contented with his degree, though he hath never so much."⁴³

42. Parliamentary History, vol. i, p. 677 ff.
43. Ibid., p. 682 ff. This Parliament was prorogued several times and remained in session for a number of years. During the term of this Parliament, the lord chief justice of common pleas was appointed to execute the office of lord keeper, because the treasurer was very old and the lord keeper was apparently ill. (Ibid., p. 703 ff.)

The usual proportion of old members had been returned to the Parliament of 1563 and representatives were also elected by seven new constituencies. In 1559, Elizabeth had had trouble with the House of Lords, but the substitution of Protestant for Roman Catholic bishops had given the queen an assured majority. The new Parliament passed a poor law, which was the first of a long series of such laws, and regulated the conditions of apprenticeship and labor, by enforcing a seven year period of apprenticeship in the trades and crafts and compulsory service in husbandry, empowered the justices of the peace to settle labor disputes and fix wages, ordered that laborers should work at least twelve hours in summer, and imposed heavy fines on masters who paid and men who received wages higher than the legal rate. Before Parliament was prorogued on April 10, it also passed the statute of apparel which has been referred to above.⁴⁴

"On Tuesday, the second day of March", says D'Ewes, "ten bills of no great moment had each of them one reading.... The second, against such as sell Wares for Apparel without ready money, to persons under £ 200 Lands or fees", was "read prima vice". This same bill and others were read "secunda vice", on Thursday, March 4,"but no mention is made that they were either ordered to be ingrossed or referred to Committees, because they had been formerly sent from the Lords." The following Monday the bill of apparel, "together with one touching true fulling

44. Political History, vol. vi, p. 250-252. Elizabeth's chief minister at this time, as during most of her reign, was Sir William Cecil, afterwards Lord Burleigh. Robert Dudley, later Earl of Leicester, was admitted to the Privy Council in 1562. Somewhat later, Sir Francis Walsingham entered the council and became almost as influential as Cecil.

and thicking of caps, were each of them read the third time and concluded: Et unà cum alià Billa...commissae sunt Attorn. Dom. Reginae, et Doctori Hinck in Dom. Communem deferend."⁴⁵

A later entry states that the statute in a modified form (amended, doubtless, by the queen's attorney and by the Commons) was returned to the Lords. "Three bills were brought up to the Lords from the House of Commons, of which the first, being the bill against such as shall sell any Wares for apparel without ready money, to persons under £ 3000 lands or fees, was returned conclus."⁴⁶

This act in its final form provided that "whosoever shall sell or deliver to any person (having not in possession lands or fees to the clear yearly value of £ 3000) any foreign wares, not first grown or first wrought within the queen's dominions, appertaining to the clothing or adorning of the body, for which wares, or the workmanship thereof, the seller shall not have received the whole money or satisfaction in hand, or within eight and twenty days after the making or delivery thereof, shall be without all remedy by order of any law, custom or degree, to recover any recompense for such wares or the workmanship thereof, whatsoever assurance he shall have by bond, surety, promise or pain of the party or any other: and all assurances and bonds in that case shall be void." The question of whether the person to whom the goods had been sold possessed an income of £ 3000 a year was to be "tryable by bookes

45. Sir Simonds D'Ewes (coll.) Journals of All the Parliaments during the Reign of Queen Elizabeth, Journal of Lords, pp. 69-70. These are the earliest printed journals of Parliament to which the writer has had access. They throw light not only on the circumstances surrounding the enactment of the sumptuary laws, but also on the rules and procedure of Parliament, the relative positions of the two houses in the Elizabethan period, etc.

46. Ibid.

of subsidies or by any other sufficient, true way or means.⁴⁷ This is the first bit of information which we have as to the method by which the incomes mentioned in the sumptuary laws were to be ascertained. The law of 1563 was only intended to remain in force until the end of the next Parliament.⁴⁸

Two years later another act was passed,⁴⁹ one section of which provided that "no man under the degree of a knight, or of a lord's son, shall, after the first day of April next coming, wear any hat or upper cap of velvet, or covered with velvet", and that no caps should be made of "felt or woollen not knit, nor died black with bark, nor fulled in a mill", etc. If anyone should disobey this statute, he was to forfeit for "every hat, cap or thing to be made, dyed, thicked, fulled, sold, or worn, contrary to the meaning of this act, ten shillings, whereof the one moiety shall be to the Queen's Majesty and the other moiety to such person

47. 5 Elizabeth, c. 6. Stat. L., vol. vi, p. 187, also Stat. Realm, part 1, vol. iv, p. 428. This act seems to have been intended to prevent the selling of foreign clothes and ornaments, which were probably more expensive than domestic wares, to any but the wealthy. The desire to lessen the sale of foreign goods and to protect home industries was apparently the main motive for the passage of the act, though the wish to prevent the poorer classes from buying clothes beyond their means may have been an additional reason.

48. On January 5, 1563, Thomas Randolph, writing to Sir William Cecil, from Edinburgh, mentioned the new Scotch laws "about wines, great hose and costly apparel". Evidently the Scotch legislators had to deal with conditions similar to those in England. (Cal. Scotch State Papers, vol. i, p. 187) See also Preserved Smith, p. 484, for a reference to a Scotch sumptuary law.

49. For some of the details connected with its passage, see D'Ewes, Journal of Commons, pp. 133-134; Journal of Lords, p. 112.

then using the feat of cap-making as will sue, for the same in any court of record, wherein no essoin, protection or wager of law for the defendant shall be admitted or allowed."⁵⁰

Although the paragraph as to the wearing of velvet caps is listed among the statutes of apparel, it is merely one provision of an act regulating hat and cap-making. There is no evidence to show how such a provision came to be tucked away in such a place. However, its presence there proves that it was not always the case that entire laws were sumptuary in character. Sometimes only one provision of an act might be of this nature, while the rest of the statute dealt with something quite different. In this particular case, the wearing of velvet hats was apparently prohibited in order to encourage the English hat-making industry, as well as to prevent extravagance and preserve class distinctions.

In 1571, Parliament again turned its attention to the subject of caps. It had been summoned to meet on April 2 of that year. On the opening day, a gorgeous procession wound its way down to the House. The queen wore her royal robes and a gold coronet, set with pearls, on her head. The Bishop of Lincoln preached before Her Majesty in Westminster Abbey, and then the royal party proceeded to the House of Lords. Sir Nicholas Bacon, the lord keeper, again made the opening speech. He directed Parliament to inquire whether any of the laws "already made be too sharp or too sore or over burtherous to the subject; or whether any of them be too loose or too soft, and so over perilous to the state....

50. 8 Elizabeth, c. 11, paragraph 5. Stat. L., vol. vi, p. 247, and Stat. Realm, part 1, vol. iv, p. 494. In each of the same year, in two letters, one written by the Earl of Murray and William Maitland to the Earl of Leicester and William Cecil, and another from Randolph to Cecil, reference is made to an act respecting the apparel of ministers. As the letters were written from Edinburgh, the act mentioned was probably a Scotch act. (Cal. of Scotch State Papers, vol. i, p. 207.)

You are also to examine the want and superfluity of laws."⁵¹

Elizabeth had summoned Parliament because she needed money and wanted protection from the papal bulls with which she was threatened. Nine new constituencies returned representatives, who were admitted to the House of Commons after a committee had examined their claims. The ministers who represented Elizabeth at this time were almost all new men. The old influences had nearly disappeared from her privy council - Norfolk, Arundel, Pembroke, Northampton and Winchester, were either dead or in prison. Cecil had been created Baron Burleigh, Smith had succeeded him as secretary of the council, and Walsingham was fast forging to the front. The nobles in the council were all of Tudor creation. Hardly one of the men who wrought the greatness of Elizabethan England was of noble parentage. The control of English affairs had passed into the hands of men who were prepared to give full play to new forces. Since 1569, however, a storm had been brewing, which threatened to end Cecil's career. He had risen to power solely by his own capacity and royal favor. His design was the same as that of Thomas Cromwell, the prime minister of Henry VIII during the English Reformation, namely - "the delivery of the English sovereign, by the help of Parliament, from the competition of rival jurisdictions, ... and the centralization of the state by means of a personal monarchy."⁵² This policy encountered opposition from the Catholics, from the holders of mediaeval franchises and from the nobles, who disliked a monarchy served by upstarts independent of their support. These forces united

51. Parliamentary History, vol. i, p. 723 ff.

52. Political History, vol. vi, p. 277 ff.

in 1569 and 1570 in a Roman Catholic rebellion in the north of England, in Dacre's revolt and in the Ridolfi plot. It is not necessary to go into the details of the struggle. Suffice it to say that the monarchy won and Cecil remained in power.

When Parliament met in April, 1571, the lord keeper, in behalf of the queen, warned the Commons "to meddle with no matters of State but such as should be propounded unto them and to occupy themselves in other matters concerning the commonwealth".⁵³ After receiving this admonition, Parliament proceeded to pass several ecclesiastical laws, and also an act to remedy "the evils arising from the decay of the trade of cap-making, by the disuse of caps,"⁵⁴ all of which (if we may suppose Parliament to have heeded the queen's warning) must have been acceptable to the crown. In fact, the queen was said by the Speaker of the House, Christopher Wray, to have "as good liking of this Parliament as ever she had of any Parliament since Her Majesty's reign".⁵⁵ The act dealing with caps provided that every person above the age of six years,⁵⁶ residing in any of the cities, towns, villages or hamlets⁵⁷ of England, should wear on Sundays and holidays (except when they were travelling outside of their places of residence) "a cap of wool knit, thicked and dressed in England, made within this realm, and only dressed and finished by some of the trade of cappers, upon pain to forfeit for every day of not wearing 3 s. 4 d."⁵⁸

53. Ibid., pp. 362, 363; also Parliamentary History, vol. i, p. 730 ff.
54. 13 Elizabeth, c. 19. Stat. Realm, part 1, vol. iv, p. 555; and Stat. L., vol. vi, p. 288.

55. Parliamentary History, vol. i, p. 760 ff. In spite of her fondness for this Parliament, the queen checked it whenever it touched upon her prerogative. It was dissolved on May 29.

56. Seven years of age is given as the minimum age in the Statutes at Large, six in the Statutes of the Realm.

57. Why inhabitants of the open country were not included is not clear.

58. Stat. L., vol. vi, p. 288.

¶ Justices, sheriffs, etc., were given power to try and determine offences against this act, and parents, guardians and masters were made liable for the forfeitures incurred by their children and servants under twenty-one years of age. Maids, ladies, gentlewomen, noble personages, "and every lord, knight and gentleman of twenty marks land and their heirs, and such as have borne office of worship in any city, borough, town, hamlet or shire and the wardens of the worshipful companies of London"⁵⁹ were all exempted from the operation of the rule laid down as to the wearing of woolen caps. The noteworthy thing about this act was that it was the first positive pronouncement on the subject of dress issued by Parliament during the Tudor period. The earlier laws, as has already been mentioned, were all negative or prohibitive in character. They informed the public what they must not do and wear. This statute told all Englishmen, with certain exceptions, what they must wear on their heads on certain days, that is to say, it was prescriptive rather than prohibitive in character. It is scarcely necessary to point out that the real reason for the passage of the law, as was stated in its title, was an economic one - the desire to revive the English cap-making industry, which was falling into decay, and to protect it from the encroachments of foreign cap manufacturers. The idea that caps were less costly than hats and that the expenses⁶⁰ of the citizens would therefore be lessened by making them wear caps, seems to have entered only incidentally into the calculations of Parliament, if indeed it entered at all. The statute was repealed and declared void

59. Ibid.

60. The expenses of some citizens may have been increased by the passage of this law (if it was ever enforced) since some persons who would not ordinarily have worn woolen caps may have been obliged to purchase them, in addition to the headgear which they already possessed.

in 1597, about six years before the end of Elizabeth's reign.⁶¹

This was the last act of its kind which was passed by Parliament during the reign of Elizabeth, but several other statutes were proposed and discussed. During the session of 1565-66, the House of Lords, on Thursday, December 19, read for the third time and passed a new bill "for reformation of excess of apparel". This bill was sent to the House of Commons by Serjeant Carus and the Attorney General. It was read once by the Commons and, on December 21, under the title of "bill for avoiding excess in apparel" had its second and third reading, but "no mention is made that it passed the house". The following Monday, however, "report being made upon the bill...", it was upon the question dashed".⁶² This measure had apparently originated in the House of Lords. Probably the queen and Privy Council, through the attorney general, had had some hand in framing it. Just why the Commons rejected it is not explained; perhaps it was an aristocratic measure and favored the upper classes too much in the matter of dress. Such laws had proved very unpopular in the reign of Henry VIII.

In 1571, an attempt was apparently made to renew the act of 1563 prohibiting the selling of foreign wares to anyone with an income of less than £ 3000. On Thursday, May 24, 1571, "the bill for not paying for Wares sold for Apparel without ready money was, upon the Question, ordered to be rejected, and not to be revived or any longer continued".⁶³

After various prorogations, Parliament met again on February 8, 1575. There was scarcely another reign in English history in which Parliament met so seldom as it did in the reign of Elizabeth. The queen

61. 39 Elizabeth, c. 18, paragraph 45. Stat. Reun., part 2, vol. iv, p. 918; Stat. L., vol. vii, p. 17.

62. D'Ewes, Journal of Lords, p. 112; Journal of Commons, pp. 133-134.

63. D'Ewes, Journal of Commons, p. 188.

apparently meant to show her subjects that she could reign without their assistance. Almost the first thing the Lords did after re-assembling was to read a bill for reformation of apparel. Camden mentions that, the year before, Elizabeth had issued a proclamation intended to put an end to modish luxury. "Observing that, to maintain this shining vanity, a great quantity of money was yearly carried out of the land, to buy silks and other foreign fineries, to the impoverishment of the Commonwealth and the almost ruin of several noble families, who strove to vie with one another in this kind of extravagance.... And now the Queen's proclamation being little regarded, an Act of Parliament was designed to enforce the observance."⁶⁴

On Monday, February 13, the proposed statute was read for the first time. A former bill to the same effect had been referred to a committee on February 9. It was apparently never reported out again, and a new bill had to be brought in, which had its second reading on Wednesday, February 15, and its third and last reading on Thursday. The same day that it passed the Lords, it was sent to the Commons, who never returned it, "probably because an act of this nature might be a hindrance to trade"⁶⁵ and very oppressive if strictly enforced.

During the session of 1588-89, another attempt was made to enact a statute of apparel. On February 27, a bill for reformation of excess in apparel was read for the second time in the House of Lords and "comissa uni Comiti et 4 Baronibus". The proposed law was not read for

64. Parliamentary History, vol. iv, p. 185.

65. Ibid.; see also D'Ewes, Journal of Lords, p. 288.

the third time until Saturday, March 8, when it was passed and sent down to the Commons by Mr. Serjeant Shuttleworth and Mr. Doctor Awbery. What fate it met with in the lower house is not known; at any rate, it never reappeared.⁶⁶

Some years later the need for supplies compelled the summoning of a new Parliament, to meet at Westminster on October 24, 1597. Its activity, apart from finance, was devoted to questions of social reform. The new lord-keeper, Sir Thomas Egerton, made the opening speech. On October 27, Serjeant Yelverton was elected Speaker of the House of Commons. In his speech at the dissolution of Parliament (which took place on February 9, 1598) Yelverton declared that this Parliament had been called "for the preservation of some laws, amending of others, cutting off unnecessary statutes and the making of new, never before enacted."⁶⁷

Jars between the two houses were frequent and each rejected bills passed by the other. On Tuesday, February 7, "Mr. Serjeant Drew and Mr. Doctor Carew did bring word from the Lords that their Lordships do desire a Conference of a convenient number of the Members of this House", i. e. the House of Commons, "with twenty of their Lordships this Afternoon in the Chamber next the Upper House, touching the Bill lately passed in this House Intituled an Act Against the Excess of Apparel. Whereupon it was ordered that the former Committees of this House in the same Bill (who were appointed on Thursday the 19th day of January foregoing) shall attend their lordships accordingly."

In the afternoon of the same day, "Mr. Comptroller", who was one of the members of the committee which conferred with the Lords, reported

66. D'Ewes, Journal of Lords, c. 424.

67. Parliamentary History, vol. i, pp. 893, 895, 904, 905.

what had happened at the meeting of the joint conference committee, as it would be called nowadays, and "that their Lordships have no good liking of the said bill for sundry imperfections in the same, not answerable to her Majestie's Proclamation touching the degrees and qualities of persons; And that their Lordships shewing themselves very courteously and kindly towards the said Committees of this House could been well pleased to have proceeding with a more convenient bill for the said purpose, if the expected shortness of the Parliament could so have permitted. Whereupon the House resolved not to deal any further touching that matter this Parliament."⁶⁸ At about the same time, a proposal to limit the size of ruffs was dropped in the Commons, perhaps out of deference to the queen, who wore enormous ones.⁶⁹

This was apparently the last attempt made during the Elizabethan period to pass a statute of apparel. It is an interesting fact that almost all of the proposed acts originated in the House of Lords and were rejected by the Commons. Perhaps the Lords tried by these measures to bolster up aristocratic privileges in regard to dress, as well as in other respects. Such attempts would naturally meet with no sympathy from the Commons. At any rate, despite the number of bills dealing with apparel which were presented and the importance which was apparently attached to them, the fact that most of them were rejected would seem to indicate that they were not popular with the mass of the people.

68. D'Ewes, Journal of Commons, p. 594.

69. Pol. History, vol. vi, p. 468. In 1601, a bill for "the restraint of the excessive and superfluous use of Coaches within the Realm of England" was read twice and rejected. (D'Ewes, Journal of Lords, p. 602.)

In addition to the sumptuary laws which were actually enacted and those which were proposed during the Elizabethan period, a number of proclamations dealing with dress were issued. On October 20, 1559, the year after Elizabeth's accession, the Privy Council, at a meeting at Westminster, drew up a decree containing certain "articles agreed upon by the Lordes and other of the Quenes Maiesties pryvy counsayle for a reformation of their seruautes in certayne abuses of apparell, thereby to geve example to al other Lordes, noble men and gentlemen."⁷⁰ Every lord and master was directed to examine the clothing of his servants in the city and to note the costumes of those assessed for purposes of taxation at £ 20 a year or £ 200 in goods. All who possessed unlawful apparel would be obliged to give it up immediately, if they could afford to do so. Some auitable person was to take a view of the dress of all the servants and to enter in a book all unlawful garments. No more such garments were to be bought or worn, but those already purchased might be worn out, if the servant could not afford to give them up. The books in which the garments were registered were to be handed into the royal Counting House or to the gentlemen ushers of the court for the protection of servants wearing out unlawful garments. Care should be taken to prevent servants from devising ways of making legal garments as expensive as their present apparel. Gentlemen and servants who possess furs and embroideries beyond their stations in life must hand in a list of the forbidden articles to the lord chamberlain if they wish to wear them in the royal chambers, or to the Counting House if they want to use them elsewhere at court. Tailors are ordered to be moderate in their

70. Tudor and Stuart Proclamations, vol. i, p. 54.

charges, and not to charge poor men as much as rich ones. The original of this order bears the signatures of Winchester, Pembroke, Thomas Parry, Krollys, Cecil and **four** other leading members of the council.⁷¹

This proclamation was followed the very next day by one issued by the queen and entitled "A Proclamation for the Redress of Inordinate Apparel". It declared that "although the Quenes most excellent Maiestie might levy great sums of mony at this present by due execution of sundry wholsome laws upon great numbers of her subjects, for wearing of such excessive and inordinate apparel, as in no age had been seen the like: **whereby also** should ensue such notable benefit to the commonwealth, as hard it were by any other ways to devise the like: yet the singular goodness of Her Majestie's nature was such to forbear the extending of any sudden and unlooked for extremity. That in these cases her Majesty thought rather by this proclamation to notify her Highnes determination with her privy council..., for this that followeth, than suddenly to extend the penalties of her laws."⁷²

The Privy Council is directed to see that the statutes of 1 and 2 Philip and Mary and parts of 24 Henry VIII are enforced both at court and in the houses of its members, in the hope that "the example shall induce the rest of her subjects to reform their disorders." The proclamation charges all mayors and governing officials of cities and corporate towns, all sheriffs and justices of the peace in counties, all noblemen "of the state of barons", and all heads of any societies and

71. Ibid. MS. of this in Pub. Rec. Off. See references in Cal. Tudor and Stuart **Proclamations**, also Cal. State Papers Domestic Eliz., vol. vii, nos. 13, 14, 15.

72. John Strype, *Annals of the Reformation during Queen Elizabeth's Happy Reign*, vol. II (2), pp. 563-64.

companies, whether ecclesiastical or temporal, within twelve days after the publication of the order to take measures for the execution of the statutes referred to above, "so as her Majesty may take some comfort of her toleration, and the commonwealth some relief of the great damage hereby sustained".⁷³

Breaches of 1 and 2 Philip and Mary would not, so the proclamation declared, be tolerated after December 20 of the same year, nor of 24 Henry VIII after January 31, except in the case of certain costly furs and rich embroideries bought by gentlemen before the order was issued, "with a certain favorable proceeding touching such as cannot without their over great loss change their unlawful apparel, which they presently have."⁷⁴

To the proclamation was appended a schedule, giving, in outline form, "the briefe content of certayne actes of Parliament." Because the schedule is the earliest document of its kind on record in England, it is reproduced here in full.

73. Ibid.

74. Ibid. See also Tudor and Stuart Proclamations, vol. i, p. 54, and references given there.

"Anno XXIV, Henry VIII

None shall weare in his apparell any	Cloth of	{ golde sylver or Tincele }	Except	{ Earles, and all of superior degrees, and Viscountes and Barons in theyr doblets and sleveless coates.
	satin, sylke, or cloth myxte with golde or sylver, nor any sables.			
	Wollen cloth made out of the Realme	{ Crimson Velvet { Scarlet or Blewe	Except	{ Dukes Marquesses } theyre Earles or } children
	Furres	{ Black Jenets Luzernes		
	Velvet in	{ Gownes Coates or uttermost garments	Except	{ Barons and Knyghtes or thorder
	Furre of Libardes Embroderye			
Prickyng or prinkyng	{ with golde, sylver, or sylke		{ Barons sonnes, Knyghtes, or men that may dispend CC. li. by yere	
Taffeta, Satin, Damaske, or Silke chamlet in	} his uttermost garments			
Velvet, otherwyse then in jackets, doblets, etc. Furre whereof the kynde groweth not within the Queenes dominions	} Except	{ Gray Je- nettes, Bodge	} Except { A man that may dispend one hun- dred pounce by yere.	

Anno i et ii Philippi et Mariae

None shal weare anye sylke in	{ Hatte. Bonet Nyghtcappe. Gyrdell. Scabarde. Hosen. Shoes. Spurre lethers }	Except	{ The sonne and heyre, or daughter of a knight, or the wyfe of the sayd sonne, A man that may dispende XX. li. by yere, or is worth two hundred poundes in goods.
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"These be the briefe contentes but of certayne partes of the lawes nowe remaynyng in force, to the **observation** whereof, her Majestie thinketh best to induce her subjects by this shorte memoriall, and yet neverthelesse wyseth that all of inferior estates, should not neglect the rest of the same lawes, lest if they shalbe found to contemne these orders here mencioned, they may feele the payne of the rest.

There be certaine other exceptions in the statutes: as for such as have licence by the Quenes Majestie, or such as shall runne in any Justes or shall serve in warre, or shall have apparel given them to be worne by her Majestie, and such lyke. All which are well to be considered by them that wyll' clayme any privilege thereby, and that at theyr peryll.

"And where there is mention made of values of yerely lyvelodes and goodes, the best accompt therof is to be made by the taxations of this last subsodie, so as if any wyll be excused by pretence of his livelode or substance, to offende, it is an meete that he aunswere to the Prince in subsedye for that value,⁷⁵ as seeke defence to breake any good lawe, whereof her Majestie geveth to all men admonition.

Anno M. D. LIX

Mense Octobris."⁷⁶

75. This was a clever move on the part of the queen, which was calculated to redound to her financial advantage as well as to aid in the enforcement of the sumptuary laws. If the subject claimed that he had a large enough income to permit him to wear certain fabrics, he would have to pay taxes in accordance with that income. If on the other hand, he dressed more richly than his rank and income warranted, he would have to pay a fine to the queen for breaking the law. Either way, Her Majesty would be the gainer.

76. Quoted from original collection of proclamations in R. M. G. 6463.

Although this proclamation was issued on October 21, 1559, it was apparently not made public for several days. Perhaps some time was required to print it and despatch it to the various parts of England. Henry Machyn states in his diary that on "the XXV day of October was proclaymed in ... Westrynster of apparell of all kyndes, and the morow in London".⁷⁷ Whether the proclamation referred to by Machyn was the one issued by the Privy Council (which, according to Lord Burghleigh's "Memorie Mortuorum", was published, the day after it was issued, in the library of the Society of Antiquaries) or the one put forth by the queen is not clear. It might have been either.

Frequent mandates went forth from the Privy Council to the chief magistrates of London (and probably of other towns) commanding them to enforce the penal statutes and to use every means that the law put into their hands to suppress such abuses. A letter of this kind was sent by the lords of the Privy Council, in the first year of the reign of Elizabeth, to the lord mayor of London "to the end that he might cause enormities in the said city; and first, the use and wearing of excessive and inordinate apparel contrarie to the lawes of the realm".⁷⁸

Similar proclamations were promulgated from time to time throughout the kingdom, especially when any new abuse came into fashion.⁷⁹ More royal orders dealing with dress seem to have been issued during Elizabeth's reign than at any other period in English history; at least, more of

77. Diary of Henry Machyn, p. 216. This proclamation was printed by Jugge and Cawood. A copy of it has been preserved in the library of the Society of Antiquaries of London. (Ibid. p. 376). See also Egerton, Papers, p. 247; Strype, Annals, vol. i, 186.

78. Quoted by Strutt, Dress and Habits, vol. ii, p. 114.

79. Ibid.

them have been preserved. Every few years a new one was put forth. On May 6, 1562, appeared "articles for the due execution of the statutes of apparell and for the reformation of the outrageous excesse thereof, growen of late time within the realme," These articles were "deuysed upon the Quenes Maiesties commaundement, by eduisse of her counsell",⁸⁰ and issued at Westminster. This decree ordered that the laws of Henry VIII and Mary should be observed, and that "the meaner sort" should be especially punished, and that measures looking to that end should be taken at court by the lord chamberlain and lord steward. All offenders were to be examined as to their masters' knowledge of their extravagance and the masters were to be punished by fines. The same sort of an examination was to be made in the city of London, and in the Inns of Court and of Chancery, in suburbs, cities, towns, and villages, and in the "Countie Palentine". Certificates of examination were to be sent in (apparently to the Privy Council every fortnight for two months and every six weeks for the rest of the year. Justices of assize were commanded to inquire into the execution of this order.

The same proclamation also regulated the size, material, and linings of hose and ordered that tailors and hosiers should be put under bond. After a fortnight no one was to be allowed to wear hose containing "in the nether stockes and upper stockes" more than a yard and three quarters of the broadest kersey, nor a shirt with double ruffs, nor (if he is below the rank of a knight) gilt spurs, or damascened or gilt swords, rapiers,

80. Tudor and Stuart Proclamations, vol. i, p. 60. Henry Machyn in his diary mentions this proclamation. He says, "The VIII day of May was a proclamacion of the aht (act) of a-ray and grett ruffes and grett brechys, and that no man to have butt a yerd and a halff of kersey; that no swerd to be butt a yerd and a quarter of lenth the blad and dagars butt XII ynche the blad, and that buckelles shall not have longe pykes, but of a sysse" (of assize or fixed length). (Diary of Henry Machyn, p. 281).

or daggers, on pain of forfeiture. No man might wear a sword or rapier longer in the blade than one and one eighth yards, dagger longer than twelve inches, or a buckler with the point sharpened or more than two inches long, on pain of forfeiture and imprisonment. Cutlers who should sell any of the forbidden weapons would be imprisoned and fined. Ladies and gentlemen at court were directed to follow "the ancient order". At Oxford and Cambridge, the heads of the colleges and halls were to see that the laws were obeyed.⁸¹

The very next day after this order was issued, the queen followed the council's lead and promulgated a proclamation which stated that because of the good effect produced by the "abbreviat of statutes" published by order of the council, these were again to be taken in hand. The statutes and the ordinances issued by the council were to be strictly observed. It was declared that commissions would be sent to every county to inquire into their execution.⁸² This order was supplemented by two others issued by the council on the same day. The first contained "a note of certayne necessarie actes mencioned in the Quenes Laiestyes Proclamacion, besyde a collection or certayne others, publyshed the last yeare, and nowe all to be executed", and an abridgement of 1 and 2 Philip and Mary, c. 2. The second proclamation was merely a fuller and somewhat amended repetition of the schedules issued in 1559.

In 1563, another royal order, which complained of slackness in the enforcement of various laws, especially those relating to superfluous clothing and the decay of horses, is said to have been promulgated. The

81. Ibid. See references given there.

82. Ibid.

83. Ibid.

proclamation of "last year" is referred to, and a short abridgment of the statutes dealing with clothing, with the regulation of arms and with the keeping of horses is appended to it. The tabular view of the statutes of apparel is given again, this time a little more fully. There is some doubt about the date of this proclamation; possibly it was simply another edition of one of those issued in 1562.⁸⁴

Several years later, the queen issued another proclamation which was subscribed to by the lords of the council and some of the nobility. In this document, it was stated that "the Queenes majestie, consydering to what extremityes a great nombre of her subjects are growne by excesse in apparell, both contrary to the lawes of the realme and to the disordre and confusion of the degrees of all states... and fynally to the subversion of all good ordre by reason of remisness and impunity, hath, with th' advice of her counsell, upon good deliberation thoughtmeete, for some degree towards a reformation herof, to cause a summary of some things necessary to this purpose to be extracted out of certen acts of parlement".⁸⁵ This summary, containing ten clauses from 24 Henry VIII, three clauses from 1 and 2 Philip and Mary, and seven clauses from the proclamation of 4 Elizabeth, was to be published and duly observed. No hosier was to be allowed to make hose containing more than a yard and a quarter of carsey or other stuff in the understocks, which were not to exceed one vard and an eighth in compass. This size was considered sufficient for the tallest persons. Shorter people must wear

84. B. M. G 6463.

85. Strype, Annals, vol. i(2), p. 533 ff.

smaller upperstocks. The linings of the hose, too, were carefully regulated. Trimmings and linings which show through slits in the leg coverings must be made of cloth manufactured in the queen's dominions. No one, except barons' eldest sons and persons above that rank, members of the Order of the Garter, and men possessing incomes of at least 500 marks a year, was to be allowed to wear satin or velvet in his upperstocks. A maximum length was again fixed for swords, and it was ordered that fencing masters should be licensed by the city authorities. No favor was to be shown to officers remiss in executing these provisions, nor to any persons found guilty of violating them within fifteen days after their publication. Hosiers were to be bound "in good surmes of money" to observe these orders. This proclamation was dated at Greenwich, February 12, 1565-66 and was signed by N. Bacon, Northampton, Sussex, Leicester, Knollys, Cecil and others.⁸⁶

On April 29, 1572, an order concerning hats and caps was issued at Westminster by the queen.⁸⁷ This has only been preserved in manuscript form, to which the writer has not yet been able to obtain access. Possibly this was the proclamation referred to by secondary writers, which forbade the wearing of caps or bonnets of lattice or ermine by any person below the rank "of a gentlewoman born and having the right to bear arms".⁸⁸ Evidently the general extravagance among women in the matter of hats, which Stubbs had remarked upon had not decreased, but had perhaps even grown worse.

86. Tudor and Stuart Proclamations, vol. i, p. 66; Strype, Annals, vol. i (2), p. 533 ff.; Cal. S. P. Dom., vol. xxxix, p. 30.

87. Tudor and Stuart Proclamations, vol. i, p. 72.

88. Harleian MS. 1776.

Only a few years elapsed before the publication of another proclamation, which like all the earlier ones, complained of the "excess of apparel and the superfluity of unnecessary foreign wares thereto belonging, now of late years...grown by sufferance"⁸⁹ to an alarming extent. This state of affairs, so the government thought, was likely to result in : (1) the decay of a great part of the wealth of England through the bringing in of so many silks, and of other costly fabrics, to pay for which the money and treasure of the realm must be annually sent abroad; (2) "the wasting and undoing" of young gentlemen and of those who would like to be esteemed gentlemen, since, in order to buy fine clothes, they consume their goods and lands and run into debt. The queen therefore ordered the enforcement of certain clauses of the statutes of Henry VIII, and Mary, with some modifications. Women's clothing was placed in a separate and additional list; otherwise, the articles to be observed were arranged exactly as they had been in the proclamation of 4 Elizabeth, though much fuller details were given in all the lists. A note at the end of the proclamation forbade all persons below a certain specified rank to wear any trimming or "welt of silk, upon their petticoats, cloaks, or "save-gardes". This order was promulgated on June 15, 1574.⁹⁰

Nearly three years later (February 16, 1576-77) another attempt was made to put a stop to extravagance. The same oft-reiterated complaints about the failure to enforce the sumptuary laws was repeated. The contents of the proclamation were similar to those of the one issued

89. Strype, Annals, vol. ii (1) p. 527.

90. Tudor and Stuart Proclamations, vol. i, p. 74.

in 1574. The Queen especially stressed the fact that correction of abuses should begin at court. Fuller details were given as to the method of calling persons to account for disobedience and challenging their right to wear fine clothes. All justices and other officials to whom the execution of the laws was entrusted were directed, after March 31, to cause all offenders to be apprehended and committed for a month, unless they should find bail to appear at the quarter sessions or assize. The subsidy book was to be used as the test for income, unless the accused should assert that his income was larger than it was there recorded, in which case the subsidy commissioners would rate him accordingly. Persons not assessed for the subsidy must prove their estate. Schedules, with "necessary additions", were appended to the proclamation. It was commanded that it should not be "an occasion of private malice" indicating that some of Elizabeth's subjects had been taking advantage of the sumptuary laws to "get back" at their enemies.⁹¹

This proclamation was "renewed" by another, dated February 12, 1579-80, and entitled "A Commandement given by the Queens most excellent Majestie". The latter repeated the provisions of the order of February 16, 1577, including the clauses from the statutes and the "necessary additions". It was also "declared and published by the lord chancellor, and other Lordes of her Majesties Councell in the Starre Chamber, that her Majesties pleasure was, by advice of her said Councell, that from the one and twentieth of this month, no person shal use or weare such excessive long clokes, being in common sight monstrous, as nowe of late are begonne to be used, and before two veeres past hath not bene used in this Realme.

91. Ibid., p. 77.

Neyther also should any person use or weare such great and excessive ruffles in or about the uppermost part of their neckes,... but that all persons should in modest and comely sort leave off such fond disguised and monstrous maner of attyring themselves, as both was unsupportable for charges, and undecent to be worne.

"And this her Majestie commanded to be observed, upon paine of her high indignation, and the paines thereto due, and willed all officers to see to the reformation and redresse thereof, to the punishment of any offending in these cases, as persons wilfully disobeying or contemning her Majesties commandement."⁹²

Even the queen's "high indignation" was not sufficient to terrify offenders against the sumptuary laws and prevent infractions of them. On February 13, 1587-8, another "declaration of the Queenes Majestie, Will and Commaundement to have certain lawes and orders put in execution against the excesse of Apparell" was proclaimed in the Star Chamber. This decree repeated the provisions of earlier proclamations, and contained certain clauses from 24 Henry VIII, 1 and 2 Philip and Mary, and other "meete orders", as well as schedules and certain notes for dispensations.⁹³

92. B. M. G. 6463 (196) See Tudor and Stuart Proclamations, vol. i, p. 80; Strype, Annals, vol. ii (2) p. 294 ff. The Proclamation of 8 Elizabeth (Feb. 12, 1566) regulating the length of swords, daggers, rapiers and bucklers, etc., together with an additional provision that, for a second offense against this decree, a cutler should be banished from the place and town where he dwelt, was repeated in the royal order of 1580.

93. Tudor and Stuart Proclamations, vol. i, p. 87.

Perhaps greater success attended the efforts made to enforce the proclamation of 1588 than had accompanied similar attempts made at an earlier time. At any rate, no more royal orders were issued for about a decade. On July 6, 1597, however, a proclamation was published which began as follows:

"Whereas the Queenes Majestie, for avoyding of the great inconvenience that hath growen and daily doth increase within this her relm by the inordinate excess in apparell, hath by sondry former proclamations strictly charged and commaunded those in autorite under her to see her lawes provided in that behalfe duely executed: Wherof notwithstanding, partly through their negligence and partly by the manifest contempt and disobedience of the parties offending, no reformation at all hath followed."⁹⁴

The results of this state of affairs were (1) the decay of hospitality, owing to the large sums spent on dress; (2) the "confusion of degrees, where the meanest are as richly dressed as their betters";⁹⁵ (3) the increase of crime. Pride in their fine clothes was supposed to have driven the poorer classes to robbery and theft. This, Elizabeth felt, could not be allowed to go on. At the end of Trinity term, in the Court of Starre Chamber, at a meeting of the Privy Council, she expressed her intention of reforming this "intollerable abuse and unmeasurable disorder."⁹⁶ She declared, however, that she would not charge "eyther kind of the said offenders for any offence already paste, unlesse it be against such as shall heerafter offend or not observe the speciall partes and branches of the lawes now standing in force and articles hereafter following:

94. William Jerdan (ed.) "The Rutland Papers", in Camden Society Publications no. xxii, p. 247.

95. Ibid.

"Men's Apparel

None shall wear

{ Cloth of gold,
Silver tissued,
Silke of purple
color }

Except

{ Earls and above that
rank, and Knights of
Garter in their purple
mantles. }

{ Cloth of gold or
silver, tinselled satin,
silk or cloth mixed
or embroidered with gold
or silver. Foreign Woolen
Cloth }

Except

{ Barons and above that
rank. Knights of Garter,
and Privy Councillors. }

{ Any lace of gold or
silver, mixed with
gold and silver, or
with gold or silver
and silk.
Spurs, swords,
rapiers, daggers,
buckles or studs
of girdles, etc. }

Gilt or
damasked
with gold
or silver
silvered

Except

{ Barons' sons and all
above that rank. Gentle-
men attending upon the queen
in house or chamber, Those
who have been employed in
embassies. Those with net
income of 500 marks per
year for life. Knights
(as regards daggers, spurs,
etc.); Captains. }

{ Velvet in { Gownes
Clokes
Coats and
upper garments
Embroidery with silk
Netherstocks of silk }

Except

{ Knights, and all above
that rank; their heirs
apparent; those with
net income of £ 200,
and all excepted in
preceding article. }

{ Velvet in { Jerkins
Hose
Doublets
Satin } in { Gowns
Cloaks
Coats, etc. }

Except

{ Knights' eldest sons,
and all above that rank.
Those with net income of
£ 100. Those excepted above. }

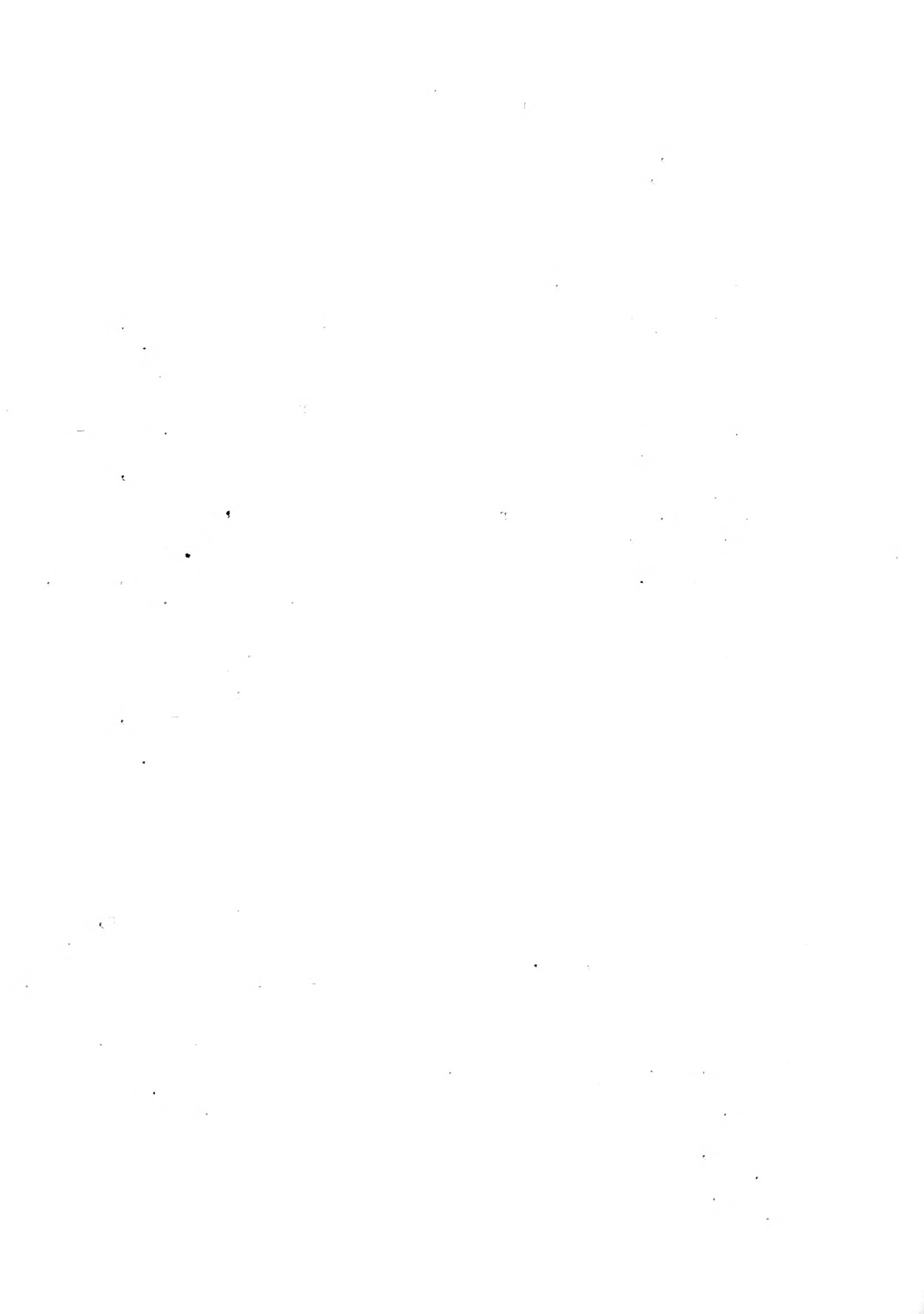
{ Velvet
Gilding
Silvering, etc.
Studs
Buckles,
or other
garniture,
gilt,
silvered,
etc. }

in

{ Saddles
Bridles
Stirrups,
and all
furniture
of horse }

Except

{ Barons' sons and all above
that rank; Knights; Men
with incomes of
500 marks etc.
as above. }



Women's Apparel

{ Cloth of gold
Silver
tissued
Purple
silk }

Except

{ Countesses and
all above
that rank. }

(Viscountesses may wear cloth of gold or silver tissued only in their kirtles)

{ Silk or
cloth, mixed
or embroidered
with pearl,
gold or silver }

Except

{ Baronesses and all
above that
rank. }

{ Cloth of gold and
silver only in
linings of garments,
etc. }

Except

{ Wives of Barons' eldest
sons and all above that
rank. Barons' daughters. }

{ Cloth of silver in kirtles
only. }

Except

{ Knights' wives
and all above
that rank. }

{ Embroideries of gold
or silver
Lace of gold or silver
or mixed with gold,
silver or silk.
Headdresses
trimmed with
pearl. }

Except

{ Wives of Barons' eldest
sons and all above that
rank. Barons' daughters.
Wives of Knights of Garter
of Privy Councillors.
Maids of Honor Ladies, etc.
of Privy Chamber. Those with
income of 500 marks a year. }

{ Velvet in
upper garments
Embroidery with
silk
Netherstocks of
silk }

Except

{ Knights' wives and all
above that rank, except as
above. Those with incomes
of £ 200. }

{ Velvet in { Kirtles
Petticoats
Gowns
Satin { Cloaks and
other outer
garments }

Except

{ Wives of knights' eldest sons,
and all above that rank.
Gentlewomen attendant upon
countesses, viscountesses, etc.
Those with incomes of £ 100. }

{ Satin in { Kirtles }
Damask
Tuffe taffeta } in Gowns
Plain "
Grograin }

Except

{ Gentlemens' wives,
bearing arms and
all above that
rank, etc. }

None
shall
wear
any

There were certain other exceptions to these rules, such as that officers and servants of the queen might be licensed by her to wear any kind of apparel they wished. This proclamation was not intended to prevent the wearing of liveries. If it should be found to conflict with any statute, it was ordered that the statute should be followed. The proclamation was to go into effect on August 13, 1597.⁹⁷

Before that time arrived, however, another order had been put forth by the queen, containing "certaine notes out of the statutes for dispensations with sundry persons not being in any certaintie before expressed, whereof all such persons, as thereby are to be dispensed withall, may be better enformed by perusall of the said statutes unto which they are to be referred."⁹⁸ Among the persons exempted from the operation of the laws regulating apparel were officers of the royal household, who might wear any clothing licensed by the lord steward. Special rules were laid down for lawyers and university students. Gifts of old clothes to servants were permitted. Henchmen, heralds and other servants might be licensed by the queen to wear any kind of dress. This decree, which was to go into effect on August 24, 1597, seems to have been the last of its kind published before the death of Elizabeth. At any rate, there is no record of any later proclamation dealing with dress having been issued during this reign.⁹⁹

Many local sumptuary regulations and ordinances were promulgated during the Elizabethan period. In London, the apprentices in the Ironmongers Company were ordered to dress "in such wise that it be no dishonesty

97. Rutland Papers, p. 248 ff. See also Tudor and Stuart Proclamations, vol. i, p. 100.

98. Tudor and Stuart Proclamations, vol. i, p. 100

99. Several proclamations forbidding the use of Irish dress and weapons were issued in Elizabeth's reign. See *ibid.*, index, and vol. ii, p. 8.

to the company, but that they be apparelled reasonable and honest, that is to say, for the holy days, hose, shirts, doublets, coats, gowns or cloaks, with other necessaries such as may be conveniently honest and clean", and on the "working day, such as may be honest and profitable to keep them from cold and wet." "They shall not suffer their hair to grow long."¹⁰⁰

The Fishmongers' apprentices were directed by their company to wear gowns in the fish-markets, but not out of them. In the books of the Merchant Tailors' Company, we find that, in 1574, a member was committed to prison "for that he came to this house in a cloak of pepadore,¹⁰¹ a pair of hose lined with taffety, and a shirt edged with silver contrary to the ordinances."¹⁰² Another member was warned that he had on "apparel not fit for his abilities to wear"¹⁰³ and was admonished to reform.

In 1582, the luxury of the times "having greatly prevailed among people of all degrees in their apparel", particularly apprentices, "the lord mayor and common-council [of London] enacted, That no apprentice whatsoever should presume¹⁰⁴ "to wear (1) any clothing except what he received from his master; (2) a hat, or anything except a woollen cap, without any silk in or about it; (3) ruffles, cuffs, loose collars, or anything except a ruff around his neck, and that must not be more than a yard and a half long; (4) anything except canvas, fustian, sackcloth,

100. Charles Knight, ed., London, vol. v, p. 117.

101. A silken fabric.

102. London, vol. v, p. 117.

103. Ibid.

104. B. Lambert, History and Survey of London, vol. ii, pp. 15 and 16.

English leather, or woolen doublets, without any silver or silk trimming; (5) anything but white, blue, or russet kersey or cloth in his hose or stockings; (6) breeches made of any other materials than those of which the doublet was made, or stitched, laced, or bordered; (7) upper coats made of anything except plain cloth or leather, without pinking, stitching, edging or silk trimming; (8) any surtouts except cloth gowns or cloaks, lined or faced with cloth, cotton or baize, with fixed, round collars, without stitching, guarding, lace or silk; (9) pumps, slippers or shoes not made of English leather, or pinked, edged or stitched, and girdles and garters made of anything except untrimmed crewel,¹⁰⁵ wool, thread or leather; (10) swords, daggers, or other weapons, except knives, rings, "jewels of gold nor silver", or silk in any of his apparel. If any apprentice should violate any of these rules, he might be punished, at the discretion of his master, for the first offence. For the second, he was to be publicly whipped at the hall of his company, and for the third, he would have to serve six months longer than was specified in his indenture. Apprentices were also forbidden to attend any dancing, fencing or musical schools.

Elizabeth issued many precepts to the London companies on the subject of dress. As a result of this, two members of the Ironmongers' and two of the Grocers' Companies were found stationed at seven o'clock one morning at Bishopsgate, examining the dress of everyone who passed by. What they did if they discovered anybody wearing forbidden clothing is not stated,¹⁰⁶ and can only be surmised.

105. Made of a thin woolen yarn of two threads, used for tapestry and embroidery.

106. London, vol. v, p. 117.

Other cities besides London adopted regulations with regard to clothing. In the archives of Winchester, there are several items of interest in this connection. The first reads: "'Yt ys agreed that evry franchisman of this cyty from hencforth shall have and weare at every assemble within the snide city...a decente gowne, upon payne of forfeiture,..5 s. to be levied by distress to the use of the chamber."¹⁰⁷

This order was repeated on October 31, 1656, with the remark that the custom had lately been much neglected. In September, 1584, it was provided that "noe citizen of this citie that hath byn elected bayliffe of the same, or to anie office above that degree, shall from henceforth were in the strete within this citie anie hose or stockings of white, greer, yellowe, radde, blewe,...or oringe color "; nor at any assembly, boroughmoot, court session or sermon a white, green, yellow or red doublet. This rule was evidently intended to regulate the official dress of the office-holders of the town and to secure dignity and uniformity in their attire, even more than to prevent extravagance. The penalty for its violation was a fine of 2 s. 6 d. for every offence, to be levied by the mayor's serjeant, for the use of the poor of the community.¹⁰⁸

In Bristol, Michael Pepwall was mayor in 1593-4, when the Corporation stood upon their dignity in the matter of robes of office. Points, laces, and slashed jerkins, together with barrel-breeches, were disallowed, and it was ordained that "if any alderman shall come to the place of audience or to the place of justice, at the Tolzey or the Guildhall, in

107. Charles Bailey, Transcripts from the Municipal Archives of Winchester, pp. 44-45.

108. Ibid., pp. 46, 53.

any other fashion gown than an alderman's gown of the gravest sort, he shall forfeit and pay to the mayor and commonalty, or to the chamberlain, to their use, 6 s. 8 d. And, in like manner, every of the Common Council, which shall come to the assembly in the council-house in any other gown than of the gravest fashion, worn commonly of those that have been sheriffs, shall forfeit and pay 6 s. 8 d."¹⁰⁹

In the time of Elizabeth, very strict rules were laid down as to the costumes to be worn at the universities. At Oxford, no graduate, scholar or fellow of a college in holy orders was allowed to wear a ruff around his neck or ruffles on his sleeves wider than the breadth of one finger, "and that without any work of sylke. Further, it was ordered that hose should not be lined with more than one lining of any stuff to make them **swell**", or puff out. Such hose were to be made "without slyppe, cut, pownce, welte, or sylke, savynge the styckyng of the stocks or the clocks of the same".¹¹⁰

In many of the colleges, the dress which should be worn by the inmates was prescribed by the founder. Complaints were constantly made, however, of undue smartness of dress on the part of some of the students and professors. In 1565, a report to the crown stated that there were "great disorders in regard to apparel and surplices in St. John's College, Cambridge, which have arisen by the disorderly acting and preaching of

109. J. F. Nicholls and John Taylor, *Bristol, Past and Present*, vol. i, p. 264. In a number of towns, the official dress of the mayor and aldermen and of their wives, was regulated apparently in order to secure uniformity and to prevent the wearing of extravagant styles. See J. S. Davies, *A History of Southampton*, pp. 152, 193-194; and F. J. C. and D. L. Hearnshaw, *Southampton Court Leet Records*, part 1, vol. i, p. 141 ff.

110. Quoted by G. L. Apperson, "Stocking Clocks", in *The Antiquary*, vol. xxxvii, pp. 109-112.

Mr. Fulke and others, making Robin Hoodes penny-worthes of their coes and other vestments."¹¹¹ On December 12 of the same year, Richard Coortesse, who had been sent to Cambridge to investigate matters, sent Sir Williar Cecil an account of his proceedings there and enclosed articles against William Fulke "for disorderly conduct, particularly in the article of apparel."¹¹² About a week later, Coortesse wrote again to Cecil, stating that there was now "good conformity of the college in the matter of apparel",¹¹³ but a year afterwards, Cecil sent a letter to Dr. Beaumont, vice-chancellor of the university, and to the heads of the various colleges in Cambridge, asking that "the irregularities of the students respecting apparel may be suppressed."¹¹⁴ Apparently they were suppressed; at least nothing more was heard about them at that time.

The central government made some attempt during Elizabeth's reign to enforce its own precepts concerning apparel. One rather extraordinary method of doing this which was adopted by the queen, was to oblige tailors to enter into a recognisance that they would not make "cloaths" contrary to the statutes.¹¹⁵ Thus, for example, on May 9, 1562, a bond was exacted of Nicholas Fevell and eight others, tailors of St. Martin-le-Grand, "not to put more than one yard and three-quarters of kersey into any one pair of hosen; and to cut the same so as 'to lye close to the legges and not loose or holstred as in annoyent tyme'". On the same date, similar bonds were executed by William Vaughan and forty-nine

111. Ca. S. P. Dom. Eliz., vol. i, p. 262.

112. Ibid.

113. Ibid., p. 263.

114. Ibid., p. 282.

115. Barrington, p. 424, quoting Phillipps' treatise on purveyance, p. 393.

others, hosiers in Westminster, to the same effect.¹¹⁶

In 1564, or thereabouts, Cecil wrote a letter to the Earl of Bedford, in which he gave him advice on his conduct in the government of Berwick, and said, "Let your household be an example of order. Allow no excess of apparel.... Be hospitable but avoid excess."¹¹⁷ In the postscript to another letter written in 1565 by the Archbishop of York to the queen, the subject of apparel was again mentioned. "The cause of the inconstancy and murmuring of the people in the north", said the archbishop, "touching the alteration of religion, arises through the execution against Mr. Sampson and others for uniformity of apparel in the deanery".¹¹⁸ In the "Injunctions Concerning the Clergy and the Laity", issued in 1559, ministers were ordered to wear seemly habits, garments and square caps, "as were most commonly... received in the latter year of the raigne" of Edward VI "for the worthiness of the ministries".¹¹⁹

That the clergy, as well as the laity, were sometimes guilty of wearing clothing regarded as improper, both in the performance of church services and in their everyday life, is evidenced by the foregoing quotations. In order to put a stop to this, Edmund Grindell, Bishop of London, enjoined the clergy under him to use "such mode of apparel as is ordained by the queen's authority".¹²⁰ Some of the clergy must have neglected this advice, since, in a private letter, written not long after Bishop Grindell's injunction to the clergy was published, it was stated

116. Ibid., vol. i, p. 200. The queen also sent out a number of commissions into the counties to inquire into the enforcement of the statutes of apparel. The reports of these commissions are unfortunately not available in this country. (See No. 1, Exchequer, Special Commissions. Index in 38th report, Dep. Keeper P. R.)

117. Ibid., vol. vi, p. 555. Quoted from a quarto printed in London in 1642, along with Robert Cecil's essay on the place of a Secretary.

118. Ibid., p. 507.

119. Lord Somers' Tracts, vol. i, p. 64 ff.

120. Cal. S. P. Dom. Eliz., p. 272, 273. May 21, 1566.

that the proceedings had been begun against certain ministers for refusing to wear crossed caps.¹²¹ The object of these proceedings, however, as well as of those against the colleges, was probably to secure uniformity in clerical costume rather than to suppress extravagance.

Bishop Grindell was evidently much interested in the subject of dress regulation, for, in November, 1566, he wrote (probably to Sir William Cecil): "The Archbishop of Centerbury hopes to meet the Lord Keeper, you and others of the council tomorrow on this matter of apparel. I have moved my Lord Keeper and I find him very willing." As the result of the efforts of Bishop Grindell and others, three bills relating to apparel were introduced into Parliament in December, 1566, but not one of them seems to have been passed.¹²²

At the very end of Elizabeth's reign, attempts were still being made to enforce the sumptuary laws. In 1600, John Chamberlain wrote to Dudley Carleton at Witham on June 13: "I was yesterday at the Star Chamber...; the Lord Keeper made a very grave speech, charging the judges to look to the idle justices of the peace; to the vanity and excess of woren's apparel; to forestallers and regrators of markets," etc.¹²³ It is interesting to note that, in this case, women are mentioned as the chief offenders in the matter of dress. Usually no distinction is made between the sexes.

Licenses to wear clothing forbidden by the statutes were issued by Queen Elizabeth under the powers granted to the crown by the statutes

121. Ibid., Thomas Fitzwilliam to Hugh Fitzwilliam, May 27, 1566.

122. Ibid., vol. vii, p. 20. See above, p.

123. Ibid., vol. v, p. 441.

passed during the reign of Henry VIII. On February 20, 1566, she issued a permission to her servants "to wear such apparel as they shall have of her gift out of the Great Wardrobe."¹²⁴ February 21, a list of the persons licensed by the queen, "being officers and servants of her household, to wear certain apparel according to the degree of rank,"¹²⁵ was published. Nearly twenty years later, in 1585, the aldermen of London and Sir Thomas Pullyson, the Lord Mayor, applied to the council for a license mitigating the statutes of apparel in favor of the city, and "desiring that the alterations proposed by them for the dress of the citizens should be granted."¹²⁶ The reply which the council made to this request has, unfortunately, not been preserved.

Not only did the English municipalities issue occasional sumptuary regulations of their own in the reign of Elizabeth, but, in one or two cases, at least, there is evidence that they attempted to perform the duties imposed upon them by the statutes adopted by the central government. For example, in 1576, the court leet of Southampton presented "dyvers women in this towne", who "doo not weare whyte cappes, but hatts contrarie to the statute, as yt may appere by the churchwardens their presentments every weecke, as bones wiffe, paille elliots wyffe, Robt. Crosses wiff, and Lawrence Grosse's wife."¹²⁷

The next year the same body indicted various persons guilty of offences against the statute of apparel. "Item, we present that concerning the statute of apparell we fynde walter earle to ware gardes of velvat on

124. Ibid., vol. i, p. 269.

125. Ibid.

126. Cal. S. P. Dom. Eliz., vol. ii, (or CLECVI) p. 227

127. Court Leet Records (Southampton), vol. i, p. 128, par. 76.

on his hosse, John delylls wyffe a peticot gardid¹²⁸ with vellat, martyne howes a gowne of norwyg versted with a brode byllment (habillment) Lace of sylke and his wyffe a hette of taffitie lyned with vellat, - - brougton a hatt Lynid with vellat, John goddardes wyffe a hatt of taffitie lynid with vellat, John mylls wyffe a cape of vellat and gardes in her gowne, John houstons wyffe a taffytie hatt, Roger mylls wyffe a hatt of vellat, Andro harris a cloke Lynid with tuffte taffitie, John markes a cloke with cape of vellat with divers others as we suppose offendeth the statutes in that behalfe providid."¹²⁹ In indicting these offenders, the court leet was acting as the agent of the central government for the enforcement of the acts of apparel, as those very acts had commanded the municipal governments of England to do.

Besides the absence of court reports of cases brought up under the sumptuary laws, there are several other bits of evidence which help to prove that, in spite of the efforts of the government and of other agencies,¹³⁰ these laws were poorly enforced in the reign of Queen

128. Adorned, or trimmed.

129. Court Leet Records (Southampton), vol. i, p. 161, par. 98.

130. The execution of the statute relating to the wearing of caps seems to have been intrusted to certain cap-makers who "by Her majesty's letters patent were authorized to make inquirie and use all good means for the recoverie of such sommes of money as should be founde due to Her Majestie upon the forfeiture of the Statute for wearing woollen caps on the Saboatte daies." Ibid., vol. xi, pp. 26, 380.

Elizabeth, as well as in the reigns of her predecessors. On June 10, 1560, Sir William Cecil, writing to Her Majesty from Edinburgh, described the state of her army there. He said that excess of apparel was very prevalent there, and that some captains carried "twenty and forty soldiers in their hose".¹³¹

One of the earliest literary allusions to the statutes of apparel occurs in the interlude of "Godly Queene Hester", which was printed for the first time in 1561, but was acted before that date. In this play, 'Pride', poorly arrayed, complained that, since Haman had bought up all the good cloth, no one could procure fine clothes:

"And any man in the towne
Doe by him a good gowne
He is very wrothe,
And will him strayte tell
The statute of apparell
.
Wherefore, by this day
I dare not goe gay." 132

If any of the English officials had acted as the imaginary Haman was supposed to have done, there would have been less extravagance in England, but apparently they were not zealous in carrying out their duties.

In November, 1566, Sir William Cecil noted down "a device how to have the penal statutes relating to usury, tillage, apparel, unlawful games, etc., better executed." Cecil's plan was that a certificate should be sent by the *custos rotulorum* in every shire to the council. This certificate was to contain the number and names of all the divisions and parishes of the shire, all the resident justices of the peace and all

131. Cal. Scotch State Papers, vol. i, p. 154.

132. Rutland Papers, p. 489. The only copy of this interlude that has been preserved is in the Duke of Devonshire's collection.

the coroners and clerks. The council was to choose two or three justices in each division and order them to call before them the coroner and clerk of the peace for that district and warn five "substantial" men of every parish, one or two of whom must be chief constables, and also two of the most "substantial" inhabitants of every parish to appear at a prescribed day and place. When they had so appeared, the justices were to charge them to inquiry "concerning the material points of the said statutes." Having made their inquiry, the five substantial men and the inhabitants of each parish were to certify to the justices within a period of three weeks or a month, all offences "against any of the said statutes committed within their parish or hundred", and the justices were thereupon to command all offenders to appear at the next quarter sessions, etc.¹³⁵ The plan was carefully and elaborately worked out. Whether it was ever put into effect, no evidence has yet been found to show. But, at any rate, it is fairly obvious that such a plan would not have been needed if the ordinary method of enforcing the laws had proved successful.

This conclusion is strengthened by a statement made by Stephen Gosson in his "School of Abuses" (London, 1579). "How often", he asks, "hath her majesty, with the grave advice of her honorable council, sette down the limits of apparel to every degree and how soone againe hath that pride of our hearts overflowen the channel?... Overlashing in apparel is so common a fault that the very hyerlings of some of our

135. Ibid., vol. vii, pp. 20, 21. The whole plan is given there.

players, who stand at the reversion of 6 s. by the weeke, jet under gentlemen's noses in suits of silke...."¹³⁴

The failure of the English government to enforce the sumptuary laws may perhaps be partially explained by some remarks which were made in the House of Commons in 1601 in the debate upon a bill forbidding "usual and common swearing". A Mr. Gascock, one of the members, made a speech with reference to certain amendments to the bill. One portion of this speech is significant. He said, "If God forbid us to swear and we fear not his Commandements, think you a pair of 10 s. as is here set down, will make us refrain this iniquity? ... We had as good make no law, for we give a penalty, and to be taken upon condition before a Justice of Peace; ... first mark what a Justice of Peace is, and we shall easily find a gap in our Law. A Justice of Peace..., for half a dozen of chickens, will dispense with a whole dozer of penal statutes ... Unless you offer sacrifice to the Idol - Justices of Sheep and Oxen, they know you not."¹³⁵

If the justices of the peace were really as venal and as lax in their enforcement of the statutes as this speaker declared them to be, the problem of why the sumptuary laws were not more strictly executed is at least partially solved. One has only to remember that for a long time most of the burden of enforcing these laws fell on the justices and the town officials, and one will be surprised that, with so much bribery and corruption prevalent, they were ever executed at all.

134. Strutt, Dress and Habits, vol. ii, p. 114.

135. D'Ewes, Journal of Commons, p. 660-661.

In the fifth year of Elizabeth's reign, a law of a paternalistic, though not a sumptuary, character, was passed. The fasts of the Roman Catholic Church were continued in Protestant England for the purpose of helping on the fisheries and increasing the number of sailors. Among the state papers are many documents relating to this subject. In 1563, a "bill for better observance of fast days and regulating how many dishes of flesh shall be at table" was rejected. This act provided that "every Wednesday in every week throughout the whole year, which heretofore hath not by the laws or customs of this realm been used and observed as a fishday, and which shall not happen to fall in Christmas week or in Easter week", should henceforth be observed as a fish-day. On these days, no one, except persons who had obtained special licenses, was to eat any meat on pain of having to pay a fine of forty shillings. The Fishmongers company looked after the butchers to see that they did not sell meat on prohibited days, and the justices of the hundreds had strict orders to appoint "searchers to detect persons eating or dressing fish on fast days."¹³⁶ The primary purpose of the law of 1563 was to bring about "the increase of provision of fish by the more usual and common eating thereof" and to aid "the growth and maintenance of the navy", rather than to make English people less extravagant in their manner of living. This portion of the statute was expunged in 1565.¹³⁷

No laws concerning unlawful games were passed during the reign of Elizabeth,¹³⁸ but efforts were made to enforce those which had previously

136. The Antiquary, vol. iii, p. 268, ff. See *ibid.* for a literary reference to the enforcement of this law.

137. 5 Elizabeth, c. 5, paragraphs 14-23. Stat. L., vol. vi, p. 179 ff. Expunged by 27 Elizabeth, c. 11. Stat. L., vol. vi, p. 371.

138. One act was passed which forbade the acting of plays by any but licensed players, and which declared common players of interludes, minstrels, etc., except those belonging to some noblemen, to be rogues and vagabonds, but the main purpose of this act seems to have been to lessen the number of beggars and vagabonds. See 39 Elizabeth, c. 4.

been passed.

That such action was necessary in order to repress a growing evil is shown by what Stubbs says on this subject. "Especially in Xmas tyme there is nothing els used but cardes, dice, tables, naskyng, munning, bowling, and such like fooleries." Bearbaiting, cockfighting, hawking, hunting and other sports were engaged in on the Sabbath. Markets and fairs were held on that day. Crowds of people flocked thick and fast to cockfights and theaters. Some even played football on Sunday - "e friendly kind of fight" rather "then a plaie or recreation".¹³⁹

At court, matters were even worse. John Chamberlain tells us that "they plie the tables hard in the presence chamber, and play so round game as if Ireland were to be recovered at Irish."¹⁴⁰ In the "Injunctions Concerning the Clergy and Laity", ecclesiastics were forbidden to haunt taverns or ale-houses, drink or play any unlawful games. Holy days were to be spent in going to church services, visiting the sick, etc.¹⁴¹

In 1565, the Privy Council sent a message to the University of Cambridge saying that "being informed of some attempts of light persons, for filthy lucre, to set up places of shows for unlawful games near Cambridge, the council forbids the holding of such shows", on the ground that students "may thus be enticed to be beholders and practicers of unlawful acts", and that the plague, which was raging at that time, might be spread by such assemblies.

139. Stubbs, p. 205 ff.

140. Letters of John Chamberlain, p. 4. Irish was a game very much like backgammon. At this period special efforts were being made by the English to subdue Ireland and establish complete control over it.

141. Lord Somers' Tracts, vol. i, pp. 64-75. These injunctions went on to order that "no man, woman or child should be otherwise busied in the time of the service than in quiet attendance to the service. All inn and alehouse keepers were forbidden to sell rent or drink while the services were going on. (Ibid.)

Three years earlier, Stephen Tucker, a yeoman of Westminster, had been required to give bond, "in a sum of £ 80", that he would not "play at dice, cards, nor any other unlawful game for the rest of his life".¹⁴² Not content with trying to stop gambling among private citizens and at the universities, Cecil wrote to Walsingham in 1574 that he intended to prohibit unlawful gaming among the Queen's Guard.¹⁴³

In 1579, the Earl of Derby, the Earl of Huntingdon, and other high commissioners assembled at Manchester gave orders that pipers and minstrels should not play on Sunday and that bear and bull-baiting, wakes or common feasts, haunting of alehouses and drunkenness should be forbidden, especially on the Sabbath.¹⁴⁴

The lord keeper was authorized by the Privy Council in 1596 to issue commissions to the towns or counties, in order to encourage archery. The commissioners were to report the names and addresses of the disobedient to the lord keeper. The purpose of this provision was apparently at least as much to restrain unlawful games as to maintain skill with the bow.¹⁴⁵ At about the same date, the city of Bristol adopted an ordinance ordering that "no taverner nor vintner shall suffer any person to spend his time in drinking, or in any unlawfull exercises, in any of their houses, after the Bow-Bell ceaseth ringing noine of the clock at night at St. Nicholas church in the winter, or after the hour of ten... in the summer season",¹⁴⁶ under penalty of having to pay a fine of 10 s.

142. Calender of State Papers, vol. i, p. 192.

143. Ibid., p. 484.

144. Hollingworth, Lancuniensis, p. 88.

145. Rutland Papers, p. 217.

146. Bristol, Past and Present, vol. i, pp. 203-264. The ordinance was adopted during the mayoralty of Thomas Aldworth, who was elected for the second time in 1592.

The judicial department of the government also took a hand in the matter and, in 1600, Attorney General Coke drew up a list of "articles which the constables of each hundred are to observe and answer unto at the beginning of every assize." Among other things, the constables were instructed to report "all unlawful games, drunkenness, etc., in private families,"¹⁴⁷ as on their good government the commonwealth depends." They were also to inquire "what recusants come not to church according to law, how many alehouses have been licensed, and whether licensed alehouses observe the prescribed articles, etc."¹⁴⁸

With the growth of Puritanism in the reign of Elizabeth, stricter supervision, not only over the games, but over all the amusements of the people, was introduced. Though the theater did not suffer much until the time of Cromwell, plays were forbidden in the precincts of the City of London, because "by the daily and disorderlie exercies of a number of players and playing-houses erected within this citie, the youth thereof is greatly corrupted and their manners infected."¹⁴⁹

Tippling was the subject of occasional animadversions by the government, but there seems to have been little real sentiment against it until the opening of the following century. Although it was still rife in England, little was done to regulate it during the Elizabethan period. It is said that the English soldiers drank inordinately while in the field, and that it was that fact that caused the plague to begin among them.¹⁵⁰ Stubbs exclaims despairingly that the vice of drunkenness

147. This is the first time I have encountered even a suggestion that drunkenness in private houses was prohibited by the government. Before this, Parliament had confined itself to trying to put a stop to drunkenness in inns and taverns, whether licensed or unlicensed.

148. Calendar of State Papers, vol. v, p. 819.

149. Remembrancia (Archives of the City of London) Malone Society, Collections, vol. i (1) p. 68, (2), p. 146.

150. Stowe, Annals, (ed. of 1871) p. 753.

is "too, too much used in Ailgna; every countrey, cittie, town, village, and other places, hath abundance of ale-houses, taverns and innes, which are so fraught with maultwornes, night and day that you woulde wonder to see them."¹⁵¹ All day and most of the night was frequently spent in carousing.

In order to remedy this state of affairs, a bill "to reform the excess and disorders used in inns and victualling houses" was introduced into Parliament and read for the first time on November 2, 1601. It was read again the next day, when its committal was refused. On November 4 a bill "against excessive and common drunkenness", which had had two earlier readings (February 7, 1585, and October 31, 1601) had its second reading and was committed. Later on in the same month, another act "for the reformation of abuses in inns, taverns, alhouses", etc., was read, committed, amended, and finally ordered to be engrossed.¹⁵² What became of it after that time, the records do not show. On Thursday, December 10, a proposed law for suppressing alhouses and tippling-houses (apparently not identical with the one just mentioned) was read for the second time in the House of Commons, "and upon the question for committing dashed".¹⁵³

151. Stubbs, p. 107 ff. passim. Stubbs also said that there was "much gluttony and excess in delicate fare in Ailgna" in his day, and that "delicate meate of sundrie sorts" loaded the dining tables. He also declared that the English people were "above all thinges inclined to swearing", and that some of them could scarcely utter a few words without interlarding them with oaths. (Ibid.)

152. Ca. S. P. Dom. Eliz., vol. vi, pp. 120, 123.

153. D'Ewes, Journal of Commons, p. 676.

That the mediaeval spirit of regulation had not yet entirely died out even as late as the reign of Elizabeth is indicated by the fact that at least one price-fixing law was passed during that period. This statute directed that wines should be sold at such prices as should be fixed by royal proclamation.¹⁵⁴

Looking back on the sumptuary legislation of the Tudor period, one sees that the most numerous and important laws of this character^h which were passed during the sixteenth century, were the statutes of apparel, the earliest of which were very long and detailed and dealt with every rung in the social ladder, from the highest nobles down to the lowest peasant, prohibiting to each class the wearing of certain kinds of clothing. The acts passed during the later part of the period, in the reigns of Mary and Elizabeth, generally had economic motives behind them, were much shorter than those passed during the reign of Henry VIII, and usually forbade the wearing of only one special fabric or article of dress. Most of these laws were negative or prohibitive in character, though some of them did contain statements as to what certain classes of persons might wear, and one, passed during the reign of Queen Elizabeth, declared definitely that all English subjects, with a few exceptions, must wear woolen caps on Sundays and holy-days. Besides suppressing extravagance, many of the statutes were evidently intended to maintain and perpetuate

154. Stat. L., vol. vi, p. 181-5 Elizabeth, c. 5, par. 25. For other laws relating to wines, see 1 Elizabeth, c. 11, par. 9, 5 Elizabeth, c. 5, par. 11, 46. For the laws as to ~~the~~ maintenance passed in this reign, see 5 Elizabeth, c. 9, par. 3 and the queen's proclamation of 1583 against retainers. (Stryde, Annals, vol. iii, (2), p. 255 ff.) The nobles were now obliged to curtail their retinues to suit the altered spirit of the time. The change had only gradually been brought about, but, by the period of Elizabeth, no nobleman would be granted a license to maintain more than one hundred followers. For laws fixing the wages, etc. of laborers (statutes of laborers) see Stat. L. (index.)

class distinctions by preserving the ancient distinctions in dress between the classes.

As regards the enforcement of these laws, judging from internal evidence, from the large number of laws and proclamations, all very much alike, which were issued within a comparatively short space of time, from the absence of reported cases of infractions of their provisions brought up before the courts (though that may be accounted for by the fact that the majority of such cases may have been tried by justices of the peace who do not seem to have kept any records) and from contemporary statements as to their lax execution, it may be surmised that they were not carried out as they were intended to be. Why detailed laws like those of Henry VIII were not passed during the reign of Elizabeth is a matter for speculation. Probably the numerous royal proclamations made the passage of new statutes unnecessary. Greater efforts were apparently made under Henry VIII and Elizabeth than under the other Tudor sovereigns to enforce the laws that were passed. At any rate, we have more evidence as to enforcement during their reigns, but no more evidence as to the success of the attempts at enforcement. By the end of Queen Elizabeth's reign, numerous writers were beginning to criticize the policy of enacting sumptuary laws and to argue that high living is advantageous to a nation, so long as it takes the form of using luxuries manufactured at home, since it thus encourages domestic manufactures and commerce.¹⁵⁵

155. Cunningham, *The Growth of English Industry and Commerce*, vol. ii, p. 239.

Chapter VI

The Decline of Sumptuary Legislation.

The reign of Elizabeth marked the zenith of sumptuary legislation in England. Very soon after her death, Parliament passed an act which in one short paragraph undid all the work of the preceding centuries. On July 25, 1603, Elizabeth's successor, the son of her old rival, Mary, Queen of Scots, was crowned king as James I. Shortly after the coronation a dreadful plague broke out in London, and the calling of a new Parliament had to be postponed for that reason until March 19, 1604. When the houses were at length summoned to meet, James bade the electors to choose "no bankrupts or outlaws but men of known good behavior and sufficient livelihood."¹ All election returns were to be made to the chancery and, if found not to conform to the proclamation, were to be rejected as unlawful. The elections were uneventful, but the first meeting of a new sovereign with his estates was bound to arouse expectation. Never had so many members attended on the first day of any session as when Parliament finally assembled.²

The king himself, contrary to the custom of the sovereigns who had preceded him, delivered the opening speech, which was not without dignity.³ He promised to prefer the common advantage to private ends, in making laws, but said nothing which implied a wish to know more about the thoughts and feelings of his new subjects or a readiness to yield to

1. Political History, vol. vii, p. 12. See also Rymer, Foedera, vol. . xvi, p. 561.

2. Ibid.

3. For a summary of this speech, see *ibid.*

their wishes. The lord chancellor⁴ also made a short address. In the House of Commons, there was scarcely anyone entitled to claim even the informal and precarious leadership which alone was possible at the time, yet the House showed no want of decision. Sir Edward Phillips was elected Speaker, and the legislative body, animated by a reforming spirit, proceeded to try to remedy certain evils which the mixture of fear and affection that the late queen had inspired had withheld her Parliaments from touching, but which were becoming more and more acutely felt owing to the general progress of society.

Whether because they had been found to be oppressive or because they had become a dead letter is uncertain, but at any rate the Parliament of 1604 seems to have been resolved to wipe out the statutes of apparel. As Blackstone puts it, "Formerly there were a multitude of penal laws existing to restrain excess of apparel...; all of which were repealed by 1 James I, c. 25."⁵ This statute ordered "that an act made in the four and twentieth year of the late King Henry the Eighth for reformation in excess of apparel; together with another act bearing the same title, made in the first and second years of the reign of the late King Philip and Queen Mary, and all other acts heretofore made concerning apparel... shall... henceforth be repealed and void."⁶

4. James had raised Egerton to be chancellor. His chief minister at this time was Sir Robert Cecil, whom, in 1603, he had created Baron Cecil of Essenden. He also rewarded the Howards for their support and ordered the release of the Earl of Southampton and the other accomplices of Essex. Dorset was lord treasurer in 1605-06, at the time of the Gunpowder Plot and the resulting anti-Catholic agitation.

5. Blackstone, book 4, vol. ii, p. 129.

6. Stat. L., vol. vii, p. 132; Stat. R. part 2, vol. iv, p. 1052. In Stat. L., the provision in question may be found in paragraphs 45 and 47; and in Stat. F., in the last part of the seventh section of the chapter.

This act proved to be a death-blow to English sumptuary legislation. After its passage, not a single statute of apparel was enacted, though occasional regulations of various kinds were issued in an effort to curb extravagance. These grew fewer and fewer, however, as the years passed by, until finally they disappeared altogether. The reasons for this steady decline of interest in sumptuary legislation, one can, in the absence of positive evidence on this point, only surmise. It seems probable, however, that such legislation was essentially mediaeval in its spirit - a manifestation of the mediaeval fondness for regulation. By the beginning of the seventeenth century, this spirit was commencing to die out. Perhaps the legislators had learned that such laws were very difficult to enforce. Some far-sighted writers seem to have recognized that acts like the statutes of apparel not only interfered too much with the daily life of the people and were burdensome, oppressive, and therefore liable to stir up discontent, but also that they might prove a positive hindrance and discouragement to trade and manufactures. Probably some such train of reasoning on the part of the lawmakers was responsible for the gradual decline of sumptuary legislation in England after the close of the Tudor period.

Certainly that decline cannot be accounted for by any decrease in extravagance, or by the disappearance of fantastic fashions. On the contrary, as far as dress was concerned, its story during the reign of James I was practically a continuation of that of the latter part of Elizabeth's reign. James favored the wearing of quilted and stuffed doublets and breeches and himself set this fashion. Towards the end of his life, short jackets or doublets, with tabs and false sleeves, hanging behind, took the place of the old long-waisted doublets. The

hose, instead of being slashed or laced, were now covered with loose, broad straps, adorned with buttons or embroidery. The silk or velvet trunks beneath were only visible at intervals.

The effigies on the tomb of Sir Richard Baker at Centerbury give one an idea of the costumes worn at the beginning of the century. The lady is attired in a gown with a tight-fitting bodice, a ruff at the neck, and a somewhat full skirt, with the hips distended by farthingales. The sleeves of the dress are shaped to fit the arm, fastened with six buttons at the wrist, and have a turned back cuff. The gentlemen also wore ruffs, as well as small ruffles at their wrists, and a padded doublet and trunks.

The typical yeoman of the early seventeenth century was dressed in pleated knee-breeches, a tight tunic, buttoned up the front, hose, buckled shoes, a loose, open cloak with a turned-down collar, and around his neck a fairly close fitting ruff. With the tunic was worn a belt, fastened by a hook-clasp. Knee-breeches became fashionable soon after the beginning of the seventeenth century.

The custom of wearing or carrying looking-glasses and of using earrings continued in high favor with both sexes. About the middle of the seventeenth century, women frequently cut their dresses so low that their breasts and shoulders were practically entirely uncovered. This Bulwer calls "an exorbitant and shameful enormity" and adds that "it was prejudicial to the health, by exposing them too much to the cold, so that some of them lost the use of their hands and arms."⁸ At about the

7. See Clinch, p. 92 ff.

8. Quoted in Strutt, Dress and Habits, vol. ii, pp. 157-158.

same time, black patches began to be used by both men and women.

The great stuffed breeches which had been so fashionable during the reign of Elizabeth were revived again for a time in that of James I. Their reappearance called forth a satirical ballad entitled "A Lamentable Complaint of the poore Contrive man, agaynste greet hose, for the loss of their cattelles tales."⁹ Hags, hair, and anything else that was handy seem to have been used to stuff these capacious garments.

The corked shoes mentioned by Stubbs in the time of Elizabeth continued in fashion among ladies during the greater part of the seventeenth century. In Bulwer's time, they were called choppines or chioppines. Their soles were made very thick and the heels high, so that they elevated their wearers four or five inches from the ground. These chioppines probably have no affinity to the corked shoes mentioned in a play called "Willy Beguiled", where a country girl says, "Upon the morrow, after the blessed new year, I care trip, trip, trip over the Market Hill, holding up my retticats...to show my fine colored stockings and how trimly I could foot it in a new pair of corked shoes I had bought."¹⁰ This was written in 1623. Thirty years later, the fashion of wearing corked shoes almost as long again as the feet became popular, in spite of the inconvenience occasioned by such footwear.

Much of the wearing apparel of the seventeenth century was elaborately embroidered and otherwise ornamented. The specimens which have been preserved are curious in their strange stiffness. A great deal of money was spent on clothing, food, splendid mansions, pleasure, etc.,

9. Ibid. Manners and Customs, vol. iii, p. 85.

10. Ibid., Dress and Habits, vol. ii, pp. 156-157.

especially by the courtiers. "Such persons on whom the King had bestowed particular honors, either through pride of that or their own prodigality, lived at high rates and... brought in excess of riot, both in clothes and diet. So our ancient customs were abandoned..."¹¹

One of the papers in the Earl of Eglinton's collection affords us a glimpse of a court lady's wardrobe in 1603. The writer enumerates various articles of female dress, such as headdresses, French and English ruffs, and "vardingells". Among the other items are "ane vyer to my haed with nyne pykis, x s.; item for ane perewyk of har to cover the vyer, v s., ... for treading to my gown with gret hornis of gould and silk and federis, the hornis my auen, xs." This same lady paid on an average 2 s. 6 d. for a pair of gloves and the same for shoes, for a beaver hat with a feather and string 52 s., for two fans, one of paper and the other of parchment 5 s., and for two necklaces of black jet 3 s.¹² Though some of these prices seem low to us, they were comparatively high for that time.¹³

11. Harleian Miscellany, pp. 287-288.

12. The Antiquary, vol. xiii, p. 179.

13. For the costs of various articles of dress from 1646-55, see Clinch, p. 96 ff. Clinch gives selections from the "Daily Expense Book of James Baster".

In 1629, according to Rogers, white satin cost 20 s. a yard. Ten years later beaver fur sold in London for from 9 - 14 s. a pound. Periwigs were especially fashionable after the Restoration. At the end of the century, a new style of wigs with so much hair in them that a good one cost not less than £ 30, was introduced. In 1660, a wig cost £ 3, and, in 1668, £ 7 10 s. In 1653, woolen stockings brought 1s. 11 1/4 d., and in 1657, 7 s. Jersey stockings, which had formerly been very expensive, were down to 2 s. 7 d. in 1653. Silk stockings, in the first part of the period between 1624 and 1673, often cost as much as 37 s. After 1660, they were worth between 11 and 15 s. The price of shoes rose considerably after the Puritan Revolution. From 1649 on, the price varied from 3 s. 10 d. to 7 s. Women's shoes sometimes cost as much as 9 or 10 s.

A quilted cap cost 1 s. 4 d., in 1688, and a wrought cap 15 s. in 1616; a girdle 4 s. 6 d. in 1630; a leather belt 10 s. in 1659, and a silver belt 48 s. in 1665; a woman's hood 7 s. in 1667; and gold lace 3 and 12 s. an ounce in 1620. Ordinary hats averaged about 10 s.,

Not only were high prices frequently paid for clothing, but overdressing, as well as other follies, seems to have been common. In a sermon preached at Whitehall on the occasion of the marriage of Lord Hay (Jan. 6, 1607) the preacher, Robert Wilkinson, said: "Of all qualities, a woman must not have one quality of a ship, and that is too much rigging. Oh, what a wonder it is to see a ship under saile, with her tacklings and her masts, and her tops and top-gallants;... Yea, but what a world of wonders it is to see a woman...so...deformed with her French, her Spanish, and her foolish fashions, that he that made her, when he looks upon her, shall hardly know her, with her plumes, her fannes, and a silken vizard, with a ruffe like a saile, yea a ruffe like a raine-bow, with a feather in her cap like a flag in her top, to tell, I thinke, which way the wind will blow."¹⁴

riding hats from 12-36 s., and beaver-hats from 40-70 s., in 1651. In 1654, a servant's livery coat (ready-made) was valued at 32 s. 6 d. In 1657, 25 s. was paid for a servant's stuff suit and in 1658, 28 s. for a serge suit for a similar wearer. In 1662, a stuff riding-cloak cost 32 s. 3 d. and, in 1667, an Indian gown 41 s.

A muff and mantle of fur were valued, in 1654, at £ 40. Tipcoats were then not so much in style. Lord Windsor, in 1638, was willing to pay £ 5 for a little riding-sword and belt. In 1680, Anne Montague was "extreme fine" in a cherry-colored satin "manto", embroidered heavily with silver and a little black and lined with black velvet. Her petticoat was of rich gold and silver cloth, with broad lace at the bottom. (Rogers, Agriculture and Prices, vol. v, pp. 579 ff., 730 ff.; vol. vi, p. 731 ff; Correspondence of the Family of Hatton, vol. i, preface, p. v.)

14. The Antiquary, vol. xiii, p. 180.

Numerous other allusions to extravagance in dress and to fantastic styles may be found in contemporary writings. For instance, in Fich's "Honestie of This Age" (1614) another diatribe against women occurs. "You shall see women goe so attyred to the church", says the writer, "that I am ashamed to tell it out aloud...they are so be paynted, so be periwigd, so be poudered, so be perfumed, so be starched, so be laced, and so be imbrodered that I cannot toll what mentall vertues they may have that they do inwardly to themselves; but I am sure to the outward show it is hard matter in the church itselpe to distinguish between a good woman and a bad."¹⁵

Face-painting was very common, though almost universally decried. In "The Fleire", by Edward Sharpham, printed in 1615, the principal character says: "Faith, ladies, if you used but, on mornings when you rise, the divine smoak of this celestial herb Tobacco, it will more purifie, clense, and mundifie¹⁶ your complexion, by ten parts, than your dissolved mercurie, your juice of lemmons, your distilled snailes, your gourd waters, your oile of tartar, or a thousand such toys!"¹⁷

The Venetian ambassadors, in their reports to their government, frequently turned aside from more weighty affairs of state to describe functions and ceremonies at the English court. Thus, in 1618, one of them writing home gave an account of a masque, at which "every box was

15. Quoted in The Antiquary, vol. xv, p. 25.

16. Mundify means to cleanse or purify. The word is now obsolete.

17. Strutt, Dress and Habits, vol. ii, p. 132-134.

filled notably with most noble and richly arrayed ladies, in number some 300 and more, according to the general estimate; the dresses being of such variety in cut and color as to be indescribable; the most delicate plumes over their heads, springing from their foreheads, or in their hands serving as fans; strings of jewels on their necks and bosoms and in their girdles and apparel in such quantity that they looked like so many queens...the splendor of their diamonds and other jewels was so brilliant that they looked like so many stars... The dress peculiar to these ladies is very handsome for those who like it and profits some of them as a blind to nature's defects, for behind it hangs well-nigh from the neck down to the ground, with long, close sleeves and no waist. There are no folds... The farthingale also plays its part. The plump and buxom display their bosoms very liberally and those who are lean go muffled up to the throat. All wear men's shoes or at least very low slippers. They consider the mask as indispensable for their faces as bread at table, but they lay it aside willingly at public entertainments."¹⁸

In another passage, the same writer says: "I have already written about the dress and costume of the women here, but as it seems to me that I did not do so thoroughly, I will in this very opportune place add a few words on the subject. They are so variously adjusted and dress so well... as to defy exaggeration; all ranks and conditions of persons being at liberty to invent new caprices. Thus, some wear on their heads worked bands with fine lace which, falling over the forehead, form what our Venetian dames term "the mushrooms" on the temples. Others wear a

18. *Ca&S. P. Ven.*, vol. xv., p. 111-112.

large piece of work above the ear...; others wear hats of various shapes; others wear a very small top-knot. Some wear a moderate sized silk kerchief surmounted by a bit of crape.... Others have black velvet hoods turned over from the back of the neck to the forehead. Others wear embroidered caps, covering the whole head, whilst others... wear their auburn hair uncovered and curled all over, up to the very plait of the tresses, on which they place a chaplet of silk and gold, wearing moreover, the plume on the head, sometimes upright, sometimes at the back of the head and sometimes even transverse... Some carry in their hands feather fans, others nothing; but all wear very costly gloves. This fashion of gloves is so universal that even the porters wear them very ostentatiously: going about dressed in good cloth, with a linen over garment and with their sacks over their shoulders."¹⁹

Not content with describing the costumes of the English ladies, the Venetian ambassador also reported that it was the custom of the nobility to dress even their servants in short mantles and cloaks of velvet, slashed and trimmed with gold braid and sometimes with the lord's coat of arms on one side. He also stated that at Oxford and Cambridge the students "go dressed in long gowns lined with rabbit skin, both in winter and summer. Other students have clerical caps on their heads, that is to say, cross ways, while some again have hats."²⁰

In 1620, there was published a curious tract "on the modes by which treasure is wasted, viz., the export of coin, [and] superfluity in expenditure, especially at christenings", "with suggestions for

19. Ibid., p. 270.

20. Ibid., p. 247-248; vol. xvi, p. 79.

remedy thereof, viz: - edicts against excess in apparel"²¹, etc. The publication of such a tract shows that "superfluity in exoenditure" must have been a very real and present evil. It is interesting to note that christenings are especially mentioned as the occasions on which extravagance was displayed. This is the first time such a statement has been met with. No attempt seems to have been made in England to control the festivities attendant on baptisms, though they were often regulated on the continent.

The prevalence of extravagance among the English people in the early seventeenth century is further testified to by another tract, "A Relation of Some Abuses which are Committed Against the Commonwealth", written in 1629 by A. L. The intention of the anonymous writer was to set forth certain abuses which he "lamented to witness" in his native county and in the kingdom in general, such as (1) the waste of woods; (2) the pulling down of castles and fortresses; (3) the decay of martial discipline; and (4) "the vanities of the people in smoking, drinking and apparel". He declared that his fellow-countrymen had turned French apes, and wore nothing but French styles. "...Wee are so disfigured by phantasticall and strange fashions that wee can scarce know him to daie, with whom wee were acquainted yesterdaie." Some in the midst of winter wore doublets so cut and slashed that they could not keep in the body heat or keep out the rain, others wore long side-coats and breeches, like those of Queen Elizabeth's jester. Fashions were constantly changing - morning, afternoon and night. Women, said the author of the tract, were "painted, perfumed, hung with...ribbons, laces, feathers, bracelets and

21. Cal. S. P. Dom, James I, vol. x, p. 210.

a whole pedler's shop of other toys, trinketts and gewgaws."²²

Fashions in dress did not escape the biting censures of that apostle of reform, William Prynne. At the time of his trial, a passage from one of his books, in which he expressed his opinions on the subject of hair dressing as practiced in his day, was read. "Yett notwithstandinge as our Englishe ruffians", he wrote, "are metamorphosed in their deformed, frizzled lockes and hayre, so our Englishe gentlewomen, as yf they all intended to turne men outright, and weare the breeches, or to be Popish nunnes, are nowe growne soe furr past shame, past modesty, grace, and nature, as to clipp their hayre like men, with lockes and foretoppes."²³

In "The City Madam" by Philip Massinger (1659) allusion was made not to clipped tresses, but to the common use of

... borrow'd hair,
Power'd and curl'd,...., by your dresser's art,
Formed like a coronet hang'd with diamonds
And richest orient pearls."²⁴

22. Sir Frederic Madden (ed.) "A Relation of Some Abuses which are Committed Against the Commonwealth", in Camden Society Publications, no. lxi.

23. Samuel R. Gardiner, Documents Relating to the Proceedings Against William Prynne in 1634 and 1637, in Camden Society Publications, new series, no. xviii, p. 4.

24. Quoted in Strutt, Dress and Habits, vol. ii, pp. 127-128. See also *ibid.*, pp. 121-122, where a quotation from "Four Plays in One", by Beaumont and Fletcher, containing allusions to many of the fads and fancies of the day, is given. For pictures of the costumes worn in the seventeenth century see Strutt, Dress and Habits, vol. ii, plates 142, 143; Green, vol. iii, pp. 942-43, 952, 975, 997, 1001, 1008, 1014-15, 1018, 1028, 1042, 1046, 1057, 1066, 1075, 1077, 1078, 1087, 1114, 1131, 1137, 1143, 1148, 1177, 1178, 1184, 1196, 1224, 1251, 1263, *op. p.* 1286, 1322, 1323, 1335, 1337, 1354, 1380, 1402, 1404-05, 1406-07; Martin (James I), plates 41, 42.

The result of all this magnificence was to call forth, even after the repeal of all the existing sumptuary laws in 1603, new attempts to regulate expenditures. The "Calendar of Tudor and Stuart Proclamations" lists a document, dated at Edinburgh, January 30, 1610, "proclaiming the act of apparel".²⁵ The act referred to was probably a Scotch law, since no sumptuary legislation was recorded at this date upon the English statute-books, and all the old laws of this kind had been repealed.

Some years later, however, the passage of a similar act by the English government was proposed. Nathaniel Brent wrote to Carleton, one of the English ambassadors abroad, whom he helped to keep informed of events at home. "The king purposed to make sumptuary laws for moderating excess in apparel. A proclamation is expected, ordering the wearing of cloth, which causes great deadness in trade."²⁶ During the course of the same month, remonstrances were addressed to the government by the Farmers of Customs against the "intended proclamation for wearing English cloth", which they claimed would injure trade so much that they would be obliged to give up their patent.

In spite of these protests, however, on December 27, 1616, the king drew up "a proclamation for the wearing of woollen clothes", dated at Westminster. This proclamation was evidently intended to encourage the English woollen industry, for it forbade all Englishmen, after January 13, 1617, to wear "outside" of their gowns and other outer garments any cloth of gold, cloth of silver, velvet, satin, or taffeta, except on Sundays,

25. Tudor and Stuart Proclamations, vol. ii, p. 279. See also P. C. Peg. viii, 405; Calderwood vii, 54; Maitland, Miscellany, i, 152.

26. Cal. S. P. Dom. James I, vol. ix, p. 410.



holy-days, or festivals. Mourning gowns must be made of English broad cloth. The nobility who did not obey this royal order were to be "censured in the Star Chamber", while others would be punished by the various assizes, etc. This method of providing for the punishment of offenders was somewhat different from that set forth in the old statutes of apparel, the enforcement of which had been left for the most part to local officers and justices of the peace, with appeals to the royal courts. However, there does not seem to have been any opportunity to put the new system into practice, since a manuscript note appended to the proclamation tells us that it was never published but suppressed. Perhaps the Farmers of the Customs were able to bring sufficient pressure to bear to prevent its publication.²⁷

In 1622, when there was "a depression in drapery", and times were very bad, various remedies were suggested to meet the evil, among which were these: "To help the expense of cloth within our kingdom, that there may be less left to vent²⁸ abroad, and less vainted in the expense of silk or foreign stuff; that the nobility and gentry of this kingdom might be persuaded to the wearing of cloth in the winter season by example rather than by commandment; that the meener sort of people, as apprentices, servants, and mechanics be enjoined by proclamation to the wear of cloth and stuff of wool made in this kingdom, which would be more terrible and less changeable; that when blacks are given at funerals, they be of cloth or woollen stuff made in this kingdom; that the clothiers and drapers be not discouraged." It was proposed that a commission should be appointed to settle the differences between wool-growers and merchants and "generally for all other things...whereby trade

27. Tudor and Stuart Proclamations, vol. i, p. 140.

28. To sell.



may be orderly governed and duly balanced."²⁹

These plans do not seem to have been carried and the government was fain to seek the help of the church once more in repressing extravagance and absurd style. In 1620, for example, John Chamberlain, the best of Sir Dudley Carleton's correspondents, paid to keep him in touch with what was going on in England, wrote to his employer, "The Bishop of London told his clergy that the King had ordered them to inveigh vehemently in their sermons against women wearing broad-brimmed hats, painted doublets, short hair, and even some of them poniards, and, if pulpit admonitions fail, another course will be taken".³⁰ Whether the sermons proved effective, or whether it was necessary to try the other course, the nature of which is not explained, the writer has unfortunately, not been able to determine, because of the lack of evidence on this point.

In 1623, the statute of 4 Henry VII, c. 9 concerning the prices of hats and caps was repealed.³¹ The next year the lord deputy and council of Ireland issued a proclamation concerning "warlike munitions and wearing mantles, trousers and skeins". This order was dated at Dublin, April 1, 1624. The first section of it forbade the importation of fire-arms and other weapons and the possession of muskets by persons wearing Irish dress and thus signifying their opposition to the English rule. All the people of Ireland were forbidden to wear after August 1, 1624, "any mantles, trowses, or long skeines,"³² or allow them to be worn on pain of contempt. No one wearing Irish dress to be

29. The Antiquary, vol. iii, p. 274.

30. Cal. S. P. Dom. James I, vol. x, p. 11C.

31. It was repealed by 21 James I, c. 28, par. 11. (Stat. L., vol. vii, p. 305). For other enactments with regard to hats and caps, see index to Stat. L. under that heading.

32. Knives or daggers.



admitted to the council, any court, or any magistracy. Sheriffs to break long skaines, and to take off and cut to pieces any mantles or trowses worn in public. They may be worn in the house",³³ however. These provisions were evidently not directed against extravagance in dress, but against the Irish nationalist spirit, which manifested itself in the wearing of a distinctive costume, different from that of its conquerors.

An attempt to enact a new statute of apparel seems to have been made in 1626. On April 15 of that year, the "bill for apparel" was read the third time. Lord Dorset made a speech against it in the upper house, in which he said that he was opposed to "the bill, in respecte of the Apparell and Coaches... already made and provided., But more especially for that the making of laces mainteryses at least 20,000 folkes, and yf we enacte anythinge here whereby the ymportacion of forreyn commodities may be stayed, yt is to be doubted that other countreyes wyll doe the lyke with us." Other speakers took the opposite view and maintained that "noe ymportacion denyed: trade encreased, from laces to clothinge". When the bill was finally put to the question, it was passed "remine dissentiente".³⁴ It does not seem to have passed the House of Commons, however, as no such law is recorded in the statute-books. Perhaps the fear that it might injure trade and throw thousands of people out of work, voiced by Lord Dorset in the upper house, caused a majority to oppose it in the lower.

That the clergy were quite as fond of fine clothes in the Stuart period as they had been during the preceding centuries is proved by the

33. Cal. Tudor and Stuart Proclamations, vol. ii, p. 27, and references given there.

34. Samuel R. Gardiner (ed.), "Notes of the Debates in the House of Lords... 1624 and 1626" in Camden Society Publications, new series, no. xxiv, p. 141.

large number of cases in which it was found necessary to reprove ecclesiastics for wearing garments unbefitting their cloth. In several instances, the Court of High Commission rebuked clergymen for their license in dress. On one occasion William Slater, a doctor of divinity, was called back, after his case had been decided, by the bishop of London, who "tould him he must there give him admonition of that which from the king he was commanded in all his visitation to make known to all ministers, that they bee more carefull in their habits, not to goe like rufflers, as if they were ashamed of their ministry and this is soe common a fault...that ministers can hardly be knowen from other men by their habit...."³⁵ Dr. Slater, when thus admonished, was wearing a band around his neck and ruffles up to his elbows, which the bishop said were not suitable for a clergyman to wear. His subordinate excused himself by saying that he was wearing riding-clothes.

On November 17, 1631, charges were brought against one Geering, the minister at Teuxbury "upon whose preaching" a man in that town "threwe himselfe into a well and drowned himself. The Bishop of London reproved him also for wearing such a band being soe curiously sett and too bigg."³⁶ In June, 1632, another clergyman was reprehended "for comminge into the court with his great ruff, band strings and cloake lyned with velvet. The Bishop of London said that this is a great sinne, and will bring downe the judgment of God upon the land, if it be not mended speedily, minister's cloakes are lyned with vellut or plush, that they may be taken for noblerman's secretaries or els for merchants factors of the best sorte."³⁷ Evidently some of the clergy were ashamed

35. Samuel P. Gardiner (ed.), "Reports of Cases in the Courts of Star Chamber and High Commission", in Camden Society Publications, new series, no. xxxix, p. 186.

36. Ibid., p. 244. The two offences seem to have been regarded as equally heinous.

37. Ibid., p. 303.

of their calling.

On another occasion, at a visitation in Essex, a minister appeared before Laud "very gallant in habit". Laud (then bishop of London) publicly rebuked him, showing him the plainness of his own apparel. But here the bishop met his match. "My lord (replied the clergyman) you have better clothes at home and I have vorse", whereat the Bishop rested very well contented.³⁸

The bishop and chapter of the London cathedral attempted, not only to prescribe suitable costumes for the clergy, but also to regulate the clothing which might be worn by certain persons connected with the court of Charles I when they attended church services. On April 29, 1632, at a meeting of the chapter, it was ordered that the gentlemen of the royal chapel (whenever they should go there to worship) should "come in decent manner in their gowmes and surplices, and not in cloakes and surplices, nor with bootes and spures. The lyke observacion to be used by all others that come to approve their voyces, or to be suitors for places theire."³⁹

38. John S. Burns, *The High Commission*, pp. 67-68, quoting Fuller, p. 218. See also *Cal. S. P. Dom. James I*, vol. ii, p. 599 for a discourse on "what robes and apparel the judges are to weare and howe the serjeants-at-law are to weare their robes and when." The judges and lawyers, like the clergy, formed a class to themselves.

Not only did the government try to regulate "excess in apparel", but also excess in hackney-coaches and carriages, which tore up the roads and hindered "the common passage" through the streets of London. See the proclamations of the king and privy council dealing with these matters, and the complaint of the commons (1611) that the king by his numerous proclamations was interfering with "liberty, goods, inheritances and livelihood of men". (John Rushworth, *Historical Collections of Private Passages of State*, vol. ii, p. 301, 316-17; and *A Record of Some Worthie Proceedings in the Honorable, Wise and Faithful House of Commons*, p. 27-29.)

39. Edward F. Rimbault, "The Old Cheque-Book of the Chapel Royal (1561-1744)", in *Camden Society Publications*, new series, no. iii, pp. 78-82.

Five years later, at another meeting, held in the vestry at Whitehall (April 5, 1637) the subdean was charged with the duty of seeing that the order of 1632 "against wearinge of clokes or cominge in with great boots and spurrs under there surplises", was duly observed, "and if any transgress to checke them as if they were absent".⁴⁰ After the Restoration, at a chapter held at Whitehall by the Bishop of Winton on December 19, 1663, "for the better regulating of the Divine Service in his Majesties Chappell Royall", the subdean was required to see that the gentlemen "of the chapell being decently habited in their gornes and surplices", but not in cloaks, boots or spurs attended service at ten o'clock in the morning and four in the afternoon on weekdays, and nine and four on Sundays.⁴¹ From the numerous allusions to surplices and the mention of "voyces", it seems probable that the "gentlemen of the Chapell" acted as choristers or took some special part in the services.

A curious proclamation was issued in 1636, prohibiting the wearing, buying, or selling of "counterfeit jewels". This order stated that a great deal of money had been spent abroad for such jewelry "to use, buy, sell, or exchange any counterfeit jewels, pearls, pendants, [and] chains... on pain of forfeiture.... Offenders to be presented to the Privy Council."⁴² This proclamation can hardly have been intended as a sumptuary measure, since less money would naturally be spent for imitation jewels than for real gems. The issuing of such an order was probably dictated by the mercantilist idea that gold must be kept in the country and not sent abroad to pay for foreign products.

40. Ibid.

41. Ibid.

42. Tudor and Stuart Proclamations, vol. i, p. 207. See also Rot. Parl., p. 14 n. 5 d. R. xx. 13; Iush; ii, 321.

It was not until the period of the British Revolution that another proclamation which was clearly sumptuary in its nature was promulgated. On June 9, 1643, Charles I, while at Oxford, put forth a proclamation "against waste and excess in apparel". The king forbade "the wearing of any lace, embroidery, fringe, riband, buttons, and clasps, or loops of gold, silver or mixed gold and silver, cloth of gold or silver, bone lace of silk or linen thread, or the having thereon any saddle or horse furniture." The badge of the Order of the Garter alone is excepted.⁴³ Probably this proclamation issued at a time when the whole country was in a state of upheaval was not heeded and produced little effect.

It would naturally be supposed that when once the Puritans had gotten the upper hand, they, who were so fond of regulating every detail in other people's lives in accordance with their own peculiarly strict moral code, would have regarded some sort of sumptuary legislation as absolutely indispensable. On the contrary, however, not a single law of this sort seems to have been passed in the interregnum between the death of Charles I and the restoration of his son. Further investigations in sources not at present available may perhaps unearth some such regulations, but as yet none have come to light. It is true that, in June, 1650, a bill was ordered to be read in Parliament "against the vice of painting, wearing black patches and immodest dresses of women." However, as the "Parliamentary History" says, it seems that "the ladies had interest enough to nip this project in the bud."⁴⁴ Whether the

43. Tudor and Stuart Proclamations, vol. i, p. 293.

44. Parliamentary History, vol. iii, p. 1347.

defeat of the bill was due to the influence of the women of England or not, the records do not show, but it seems clear that it was defeated, and, as it is not mentioned in the journals of Parliament or elsewhere, no details of its provisions have survived.

In 1656, it was again proposed to erect a sumptuary law. A man named Robinson, apparently well-informed about current events, wrote to one of his correspondents, on October 5 of that year, "we shall have... [an act] for regulation of apparel, and many more, as soon as the rest of the summoned members appear."⁴⁵ However, this plan, too, appears to have fallen through, and, at about the same period, no less a person than John Milton began to scoff at the mere idea of regulating dress. In his "Areopagitica", in which he attacked the proposed censorship of the press and defended freedom in general, he declared that it would be absurd to refer "our parents... to the licensing of some more sober work-masters to see them out in a lesse wanton garb",⁴⁶ as ridiculous as it would be to regulate music or dancing.

The disapproval of so important and well-known a man as Milton may have had some influence in bringing about the defeat of the proposed sumptuary legislation. At any rate, not only did it fail to pass, but after the period of the civil war was over, no other laws which were really sumptuary in their character were passed. In the reign of Charles II, several statutes were enacted which provided that after a

45. Cal. S. P. Dom. (1656-57), vol. x, p. 120.

46. John Milton, *Areopagitica*, pp. 50-51.

first date "no one whatsoever shall be buried in any shirt, shift or sheet made of anything but wool, or laid into a coffin lined with anything made of flax, silk, hemp or hair." These acts, however, as the preamble of one of them stated were passed "for the encouragement of the woollen manufactures of this kingdom and prevention of the exportation of the moneyes thereof for the buying and importing of Linnen",⁴⁷ and were not directed against expensive funerals.

In the same reign and in the succeeding century a number of laws relating to buttons were enacted. One such act passed by the Parliament which met for the first time on May 8, 1662, forbade the selling in England, or the importation into that country, after June 24 of the same year, of any foreign bone-lace, cut-work, fringe, buttons or needle-work made of thread, wilk, "or any or either of them". This act was obviously intended to protect the Englishmen who were engaged in the manufacture of these articles.⁴⁸ A similar law, enacted by the Parliament which began

47. 18 and 19 Charles II, c. 4, Stat. F. vol. v, p. 596 (1666), Stat. L., vol. viii, p. 228; 20 Charles II, c. 3 (1677) Stat. L., vol. viii, p. 419 ff., Stat. F., vol. v, p. 885; 22 Charles II, c. 1, par. 3 (1680), Stat. L., vol. viii, p. 440, Stat. F., vol. v, p. 940. 30 Charles II, c. 3 was not repealed until 57 George II, c. 108.

In an article in "The Washington Post, (D. C.)" for Tuesday, April 25, 1922, p. 8, a quotation is given from an act, supposed to have been passed in 1670, providing that "all women of whatever age, rank, profession or degree, whether virgins, maids or widows, that shall, from after the passing of this act, expose upon and betray into matrimony any of his Majesty's male subjects, by scents, paints, cosmetics, washes, artificial teeth, false hair, Spanish wool, iron stays, hoops, high-heeled shoes, or bolstered hips shall incur the penalty of the laws now in force against witchcraft, sorcery and such like misdemeanors, and that the marriage, upon conviction, shall be null and void." There is nothing to show where this quotation came from. So far as the writer has been able to discover, no such act was ever recorded in the statute-books.

48. Stat. L., vol. viii, p. 103 ff.

at Westminster in 1689 and was continued by prorogations and adjournments to November 4, 1692, provided that foreign hair buttons should pay a duty of 10 % of their value and later the importation of all such buttons was prohibited.⁴⁹ 10 William III, c. 2 (1696) provided that, from and after a certain date, "no person or persons shall **make**, sell or set on... any clothes or wearing garments whatsoever any buttons made of cloth, serge, drugget, frize, camlet, or any other stuffs of which clothes... are usually made, or any buttons made of wood only and turned in imitation of other buttons." For every dozen of buttons so sold penalty of 40 s. was to be imposed.⁵⁰ This was intended to protect the English manufacturers of silk, mohair, gimp and thread buttons, the materials for which were obtained in Turkey in exchange for British woolens. The legislators wished also, apparently, to encourage the domestic woolen industry and took this mode of doing it.

Similar acts were passed in the reigns of the two succeeding sovereigns. In the time of Queen Anne, button holes were also taken into consideration. The substitution of serge for silk in covering buttons and working button holes gave rise to a stirring debate in 1738. In 1745, a penalty of £ 5 was imposed on those who sold French cambrics or lawn and those who wore them. This was amended three years later and the Commons refused to repeal it, even when its futility was demonstrated. Cunningham calls such acts sumptuary laws because of the minute regulations which they laid down in regard to certain kinds of fabrics and buttons, but it is curious that their primary purpose was not to suppress

49. Ibid., vol. ix, pp. 174 ff. and 196.

50. Ibid., vol. x, p. 237.

extravagance, but to aid trade and industry. The true sumptuary laws had practically come to an end more than a century before, at the time when all the statutes of apparel were revealed.

In the seventeenth century, profanity and blasphemy were vices which seem to have been current throughout England. A book published in 1868 declared: "Our gallants plead not so much the ventilation of passion... by their cursed oaths. They use them as the Elegancies and figures of speech as necessary as the Ornaments of their dress.... Oaths... can be as ill layd down by our nobles as their muffs in winter, so frigid and shrivelled would their converse be without them."⁵¹

One of the earliest acts passed in the reign of James I was a statute directed against blasphemy. This law provided, "for the preventing and avoiding of the great abuse of the bold name of God in stage-plays, interludes, may-games, shews and such like", that if any time thereafter anyone acting in any play, pageant, etc. should jestingly or profanely speak or use the name of God, Jesus, Christ, the Holy Ghost or the Trinity, should forfeit £ 10 for every offence, one half to go to the king, the other half to anyone who should sue in any court of record at Westminster".⁵² This was one of the acts which caused the Parliament which began its work on November 5, 1605 to be remembered, though "how the graceless king...could say 'Le Roi le veut'" to it, "whilst he himself was swearing obscenely passes comprehension."⁵³

51. Quoted in "The Antiquary", vol. xvii, pp. 108-109.

52. 3 James I, c. 21 (1605-06) Stat. B., part 2, vol. iv, p. 1097, Stat. L., vol. vii, p. 194.

53. Bristol, Past and Present, vol. 3, p. 272. The Commons were not entirely correct in supposing that no punishment had been provided "for abusing the holy name of God." Although there were no statutes dealing with the subject, profanity and blasphemy, together with eaves-dropping and "common scolding", (both of which were public nuisances and might be indicted) were, according to Blackstone, punishable at common law by fine, imprisonment, etc. (Blackstone, book 4, vol. ii, p. 42, 126-128.)

This statute, of course, only applied to plays and similar performances. In 1611, the House of Commons suddenly woke up to the fact that "the precious name of God, which wee ought to regard more then our lives, is not by the lawes of England so tenderly regarded as the name of all sorts of people in the land... For abusing the holy name of God... there is no punishment by the lawes of the Realme, whereby both men, women and children increase in that sinne greevously, every day, without punishment or checke: wherefore to prevent that sinne, wee did, at two severall sessions of Parliament, make two severall bills, which did passe our house of Commons, to be made lawes for punishment of such offenders."⁵⁴ Neither of these bills, however, seems to have received the approval of the House of Lords. Nothing more was done with regard to the matter until 1623-24 when it was ordained that "forasmuch as all profane swearing and cursing is forbidden by the word of God", none shall swear, or curse profanely. The penalty for each offense, if committed in the hearing of a justice, mayor, or other official, or if the guilty party were convicted, was the payment of a fine of 12 d. which was to go to the poor. In default of this payment, the offender would have to sit for three hours in the stocks, of, if under twelve years of age, might be whipped. No one could be prosecuted more than twenty days after the offense was committed. It was ordered that the act should be read in church. It was only to remain in force, however, until the end of the first session of the next Parliament.⁵⁵

For some time after this expired, no new law was passed to take its place. It was not until June 28, 1650, that a law was enacted

54. Some Worthie Proceedings, pt. 7-4.

55. Stat. R., vol. iv, pp. 1229-30 - 21 James I, c. 20.

"for the better preventing and suppressing of profane swearing and cursing." For the first offense, every person styling himself a duke, marquis, earl, viscount, or baron was to forfeit 70 s., a baronet or knight 20 s., an esquire 10 s., a gentleman 6 s. 8 d., and all inferior persons 3 s. 4 d. - a sort of graduated tax, according to rank. The fines would be doubled from the second offense to the ninth. At the tenth, the guilty party would be bound to good behavior. A like penalty was imposed on women who used oaths, a wife or widow to pay according to the rank of her husband, a single woman that of her father. The penalties were to be recovered as before by distress and the sale of the offender's goods, or in default of that by placing him in the stocks or publicly whipping him if he were under twelve years of age.⁵⁶

The lord mayor of London, in a proclamation issued in 1679, reminded the public officials of the city that "every profane curser and swearer ought to be punished by the payment of 12 d. for every oath; and if the same cannot be levied upon the offender's goods, then he is to sit three hours in the stocks."⁵⁷ How successfully this injunction was enforced there is no evidence to show, but the mere passage of acts prohibiting swearing is of interest.

The prevention of tippling and drunkenness as well as the regulation of taverns has occupied the police powers of the state for many generations and each age has had its peculiar method of treatment. Many laws of this character were enacted during the reign of James I and later on in the

56. Parliamentary History, vol. iii, p. 1351.

57. A Source Book of London History, p. 100.

seventeenth century. Drunkenness, like profanity, was very common in England at that period as might be shown from numerous bits of contemporary evidence, but a few instances will suffice. In 1607, Nicolo Molin, the Venetian ambassador, a trained and careful observer, reported to his government that the English people were greatly addicted to drunkenness.⁵⁸ Another foreigner, Antonio Foscarini, declared, in 1618, that tobacco, "a root the English generally smoke in pipes... excites thirst and leads to excessive drinking, to which both English and Scotch are very addicted."⁵⁹

Clergymen were often accused of being drunkards and haunters of taverns. Thus, in 1632, Joseph Harrison, the Vicar of Sustorke, was tried before the Court of High Commission for being "a common frequenter of taverns and alehouses and a companie-keeper with beggars, tinckers... and all sorts of people." For this and other causes, he was removed from orders.^{59a}

In the words of a contemporary writer, there were "ale-houses, dicing-houses, taverns and places of vice and iniquity beyond measure abounding in many places, so that to outward appearance, the evil seems to overtop the good."⁶⁰ In the large towns, there was an excessive

58. Cal. S. P. Ven., vol. x, p. 302.

59. Ibid., vol. xv, p. 389. For another allusion to the use of tobacco, in England, see *ibid.*, p. 101; and *A Relation of Some Abuses which are Committed Against the Commonwealth*, p. 22 ff.

59a. *Cases in the Court of High Commission*, pp. 271-277.

60. *Harleian Miscellany*, pp. 287-288. For other references to drunkenness and gambling in the seventeenth century, see *A Relation of Some Abuses*, p. 22 ff.; *Cal. S. P. Col.*, vol. vi, pp. 159, 209; vol. viii, pp. 21, 27, 221, 224, 501. King James himself, so Farrington writes, was usually carried to bed drunk, and his example encouraged the ladies of the court to "abandon their sobriety and to be seen rolling about the court in a state of intoxication". (Quoted in *Bristol, Past and Present*, vol. i, p. 272.)

number of taverns, but the chief outcry was against the ale-houses. The parochial officers were not efficient agents in putting down tippling. The constables were inclined to connive at it, while the penalties were so excessive in the first statute on the subject that it **could** not be enforced. King James granted a patent for alehouses to one of his courtiers. This patent was defended on sumptuary grounds and was exempted at the time of the general repeal of the patents. It was intended to restrict the numbers of such drinking-places and promote temperance, but unfortunately it did not have this result, but merely gave rise to exactions and abuses.

A strong sentiment against tippling seems to have developed in the early part of the seventeenth century. In the first year of James I's reign, an act intended to restrain "inordinate haunting and tippling in inns and alehouses" was passed. According to this statute, the true use of alehouses was to be for the relief of wayfarers and not for the entertainment of lured and idle people. A penalty of 10 s. was to be imposed for permitting unlawful drinking. All drinking was unlawful except by travellers or their guests and by artificers and laborers during their dinner hour. Licensed alehouses were only to be open to residents in the locality for one hour a day, at which time liquor could be drunk on the premises.⁶¹ A number of other acts similar to this one and directed against tippling, alehouses and taverns were passed throughout the century. It is not necessary to mention all of them nor to discuss their provisions.⁶² Suffice it to say that none of them seem to have

61. Cunningham, vol. ii, pp. 158 ff, 167 ff., 193, 216. I James, c. 9, Stat. L., vol. vii, p. 85 ff.

62. For these acts, see index to Stat. L., under "ale", "beer and ale", "drunkenness", and "inns".

been very successfully enforced. The penalties were somewhat relaxed under Charles I, but the evil went on increasing, and seems to have continued in existence throughout most of the century, though it was especially prevalent in the early part.⁶³

The playing of games and other amusements was again regulated during the seventeenth century. In 1620, James granted a patent to Clement Cottrel, the groom-porter of his household, to license gaming-houses for cards, dice, bowling alleys and tennis-courts. In London and Westminster, twenty-four bowling alleys were permitted, fourteen tennis-courts and forty taverns or ordinaries for playing cards and dice. These places were intended "for the honest and reasonable recreation of good and civil people, who, by their quality and ability, may lawfully use the games of bowling, tennis, dice, cards, tables, nine-holes or any other game hereafter to be invented."⁶⁴ This did not apply to servants and laborers who were forbidden by the old statutes against "unlawful games" to engage in these pastimes. The whole responsibility for the regulation of places of amusement in London and the neighborhood was thus given to Cottrel. How well he carried out his duties, the writer has been unable to discover.

James I acted in opposition to the religious principles of the Puritan portion of his English subjects, when, in 1618, he issued his

63. Cuninghame, vol. ii, p. 170 ff. For statements as to the enforcement of these acts, see Proceedings Against William Thynne, p. 70; Some Worthie Proceedings, pp. 78-40; Source B. F. of London history, p. 160; Cal. S. P. Irish, 1606-08, p. 461; 1611-14, pp. 19, 250; 1616-25, pp. 275, 282, 302, 412, 426.

64. B. Lambert, A History and Survey of London, vol. ii, pp. 17-38.

farous "Declaration of Sports" in which he gave permission to anyone who desired to do so, after divine service on Sundays and holy-days, to dance, shoot, lace, vault, engage in lay-games, etc.⁶⁵ Bear and bull-baitings, interludes, and bowling were still prohibited, however, and these sports were again forbidden by 1 Charles I, c. 1, which declared that no one should be allowed to assemble outside of his own parish for any sports whatsoever upon Sundays and that, in their parishes, they should not use any unlawful pastimes, on pain of paying a fine of 7 s. 4 d. for every offense.⁶⁶ In 1632, Charles ordered his father's declaration of sports re-published and read from every pulpit in the kingdom. This brought him into conflict with the Puritans, led to the suspension or dismission of a number of clergymen who refused to read it, and greatly added to the King's unpopularity.⁶⁷ During the period of the Puritan Revolution, the Declaration of Sports was ordered to be burned by Parliament to be burned in Cheapside and other places. The sheriffs of London and Middlesex were required to see that the order was carried out and that the books were burned. All who had copies of the declaration were directed to deliver them to the sheriffs prior to a certain date.⁶⁸ The Houses also passed ordinances forbidding the acting of plays and commanding that theaters should be dismantled.⁶⁹

65. "The King's Majesties Declaration to his Subjects Concerning Lawful Sports", in *Curious Historical Tracts*, pp. 2-10.

66. 1 Charles I, c. 1, Stat. L., vol. vii, p. 214.

67. *Political History of England*, vol. vii, p. 186.

68. *Fushworth*, vol. v, p. 217.

69. For these ordinances and their enforcement, see *Fushworth*, vol. v, p. 1; vol. vii, pp. 247-48, 272, 281, 281-282, 1597.

After the Restoration, Charles I, c. 1, forbidding bear-baitings, interludes and similar sports on Sundays was confirmed and enforced by 29 Charles II, c. 7, which in addition contained a number of new regulations as to the observation of the Sabbath.⁷⁰ Another law, entitled an "act against deceitfull, disorderly and excessive gaming", was also passed during the reign of Charles II. This statute provided that anyone who should, by fraud, deceit, unlawful devices or ill practices, obtain any money or anything else valuable while playing at cards, dice, tennis, or other games, or while present at races or other pastimes, should forfeit treble the value of the thing that he had won, if he should be prosecuted within six months by the person who had lost the money. In order to prevent immoderate betting, it was decreed that, if anyone lost more than £ 100 at one time and did not pay his debt on the spot in coin, he could never be compelled to pay. All contracts and assurances with regard to the debt were to be absolutely void, and the winner must forfeit treble the amount which he had won, if suit were brought against him within a year.⁷¹ Blackstone, in commenting upon this act, pointed out that it differed from most of the earlier statutes dealing with unlawful games in that it applied to all classes, and not merely to laborers, and ended: "Thus careful has the legislature been to prevent this destructive vice; which may show that our laws against gaming are not so deficient as ourselves and our magistrates in putting these laws in execution."⁷²

70. Stat. L., vol. viii, p. 412 ff.

71. Stat. F., vol. vx, p. 523.

72. Blackstone, book 4, vol. ii, pp. 140-141. For other regulations as to gaming, alehouses, etc., see Fushworth, vol. ii, pp. 103-104, 196 ff., 200. For price-fixing laws in this period, see 12 Charles II, c. 25, Stat. F. vol. v, p. 268 ff., and acts listed under "wines" in index to Stat. L. Under Charles I, an act was passed which repealed all the statutes of livery (3 Charles I, c. 4[5], Stat. L., vol. vii, p. 331 ff.)

With this reflexion, we may fittingly bring to a close the history of sumptuary legislation in England - a history covering approximately three centuries, from the reign of Edward III to that of James I. During this period, a number of different types of sumptuary laws made their appearance. The government, however, devoted most of its attention to the regulation of apparel. The English ordinances did not deal with as many nor as varied subjects as did those of the continent and were issued almost exclusively by the central government and not by the towns and other local bodies, as was the case in some countries. They met with the same fate, however, that seems to have been reserved for similar laws everywhere - that is to say, they do not seem to have been enforced to any great extent. While there is very little positive proof with regard to this point, the preponderance of the evidence supports the conclusion that the acts intended to regulate expenditure had in reality very little effect. After studying them and their results (or rather lack of results), one is inclined to agree with Montesquien, when he says that "manners and morals, like religion, lie outside the range of human compulsion."⁷³

73. Quoted by William A. Lunning, A History of Political Theories, from Luther to Montesquien, pp. 403-06, 427. In his "L'Esprit des Lois", Montesquien, in treating the question of the connection of luxury with political institutions, declared that sumptuary laws are appropriate to a democracy, which desires them in the name of equality, will be tolerated under an aristocratic form of government, which wishes moderation and will not permit inequality to go too far, but will be rejected by a monarchy which is founded on luxury. (L'Esprit des Lois, book 5, chap. xix)

Voltaire disagreed with this view. To him sumptuary laws were objectionable under any form of government. "Toute loi somptuaire", he wrote, "est injuste en elle-meme; c'est pour le maintien de leurs droits que les hommes se sont réunis en société et non pour donner aux autres celui d'attenter à la liberté que doit avoir chaque individu de s'habiller, de se nourrir, de se loger à sa fantaisie...pourtant que cet usage ne blesse le droit de penser à." "L'histoire a prouvé que toutes les lois somptuaires... ont été partout, après un temps très court, abolies, éludées ou repoussées; la vanité inventera toujours plus de manières de se distinguer, que les lois n'en pourront défendre." (Quoted by Étienne Giraudias,

Just why it was found impossible to execute the laws which were so painstakingly and persistently passed (particularly during the Tudor period, when sumptuary legislation reached its height in England) the writer has as yet been unable to determine. Probably, judging from the indignation which Wolsey's attempt to enforce the statutes of apparel is said to have aroused, public opinion was not back of them, and, as everyone knows, it is almost useless to try to carry out laws of which the majority of the people do not approve. Perhaps most Englishmen felt, with Blackstone, that in a country "whose government is compounded of" a mixture of monarchy and democracy, like that of their native land, "it is a doubtful question how far private luxury is a public evil". At any rate, "legislators there have changed their sentiments on this point, as is shown by the early enactment and the later repeal of sumptuary laws."⁷⁴

Étude Historique Sur les Lois Somptuaires, pp. 103-104.)

74. Blackstone, book 4, vol. ii, p. 129.

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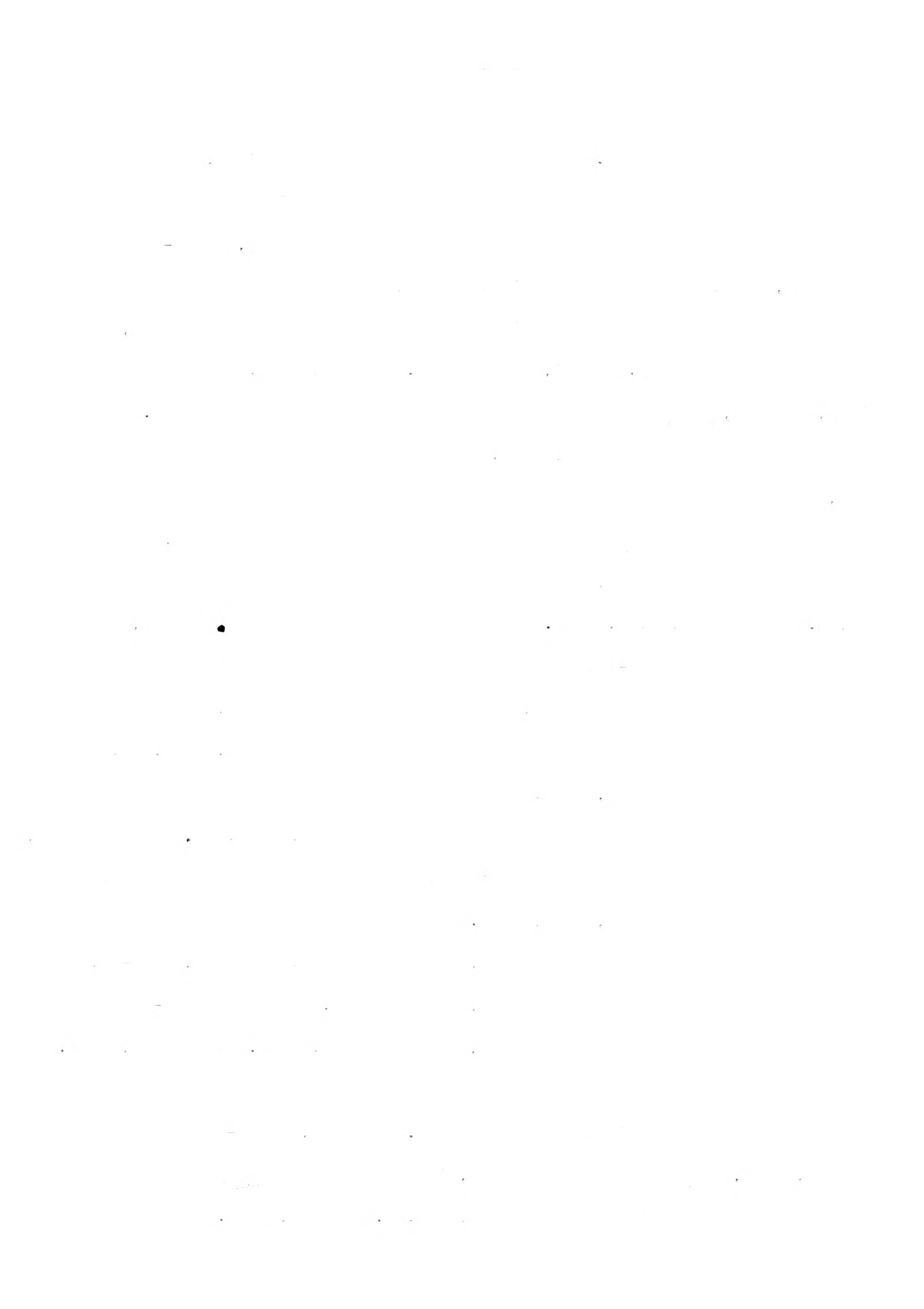
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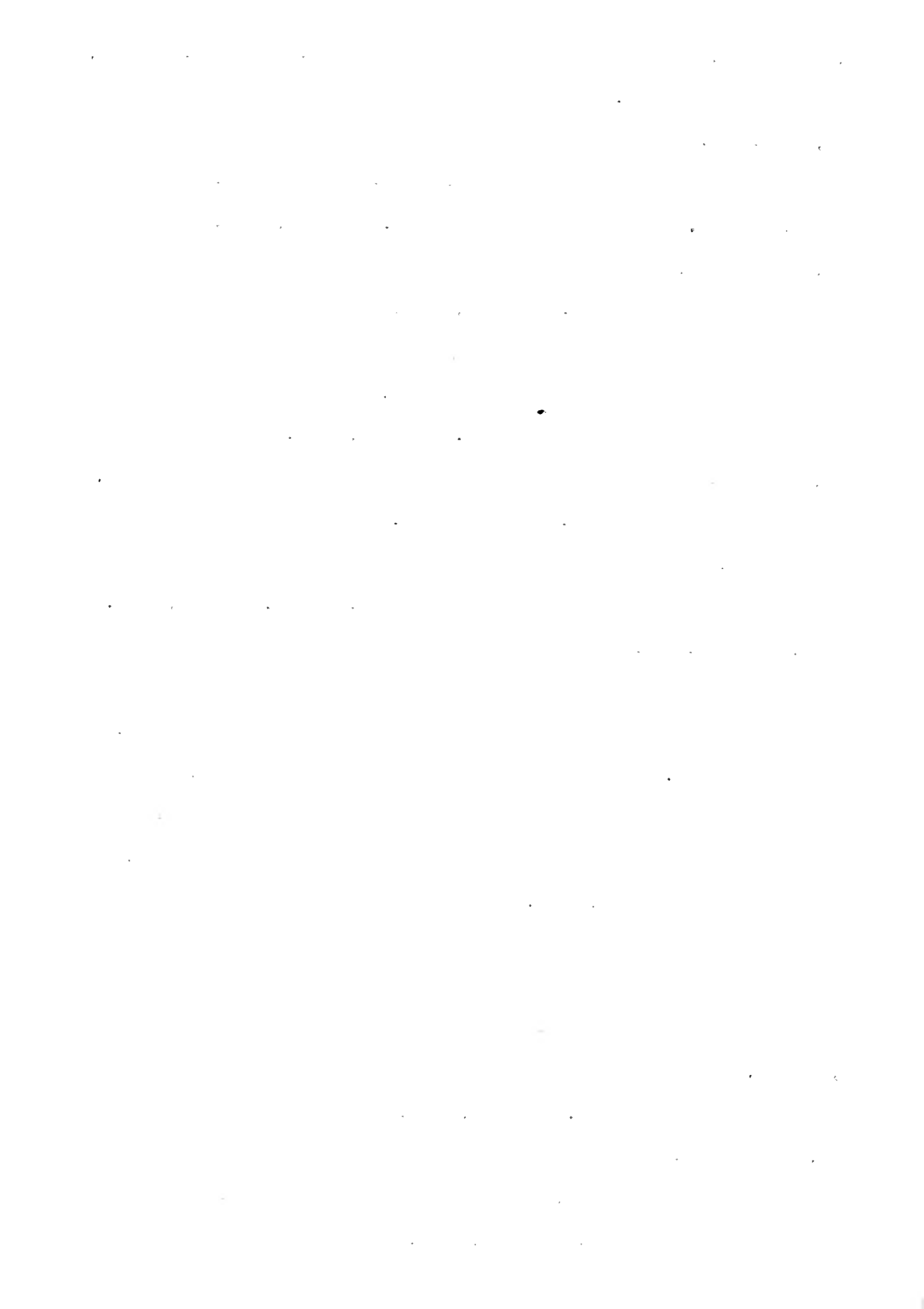
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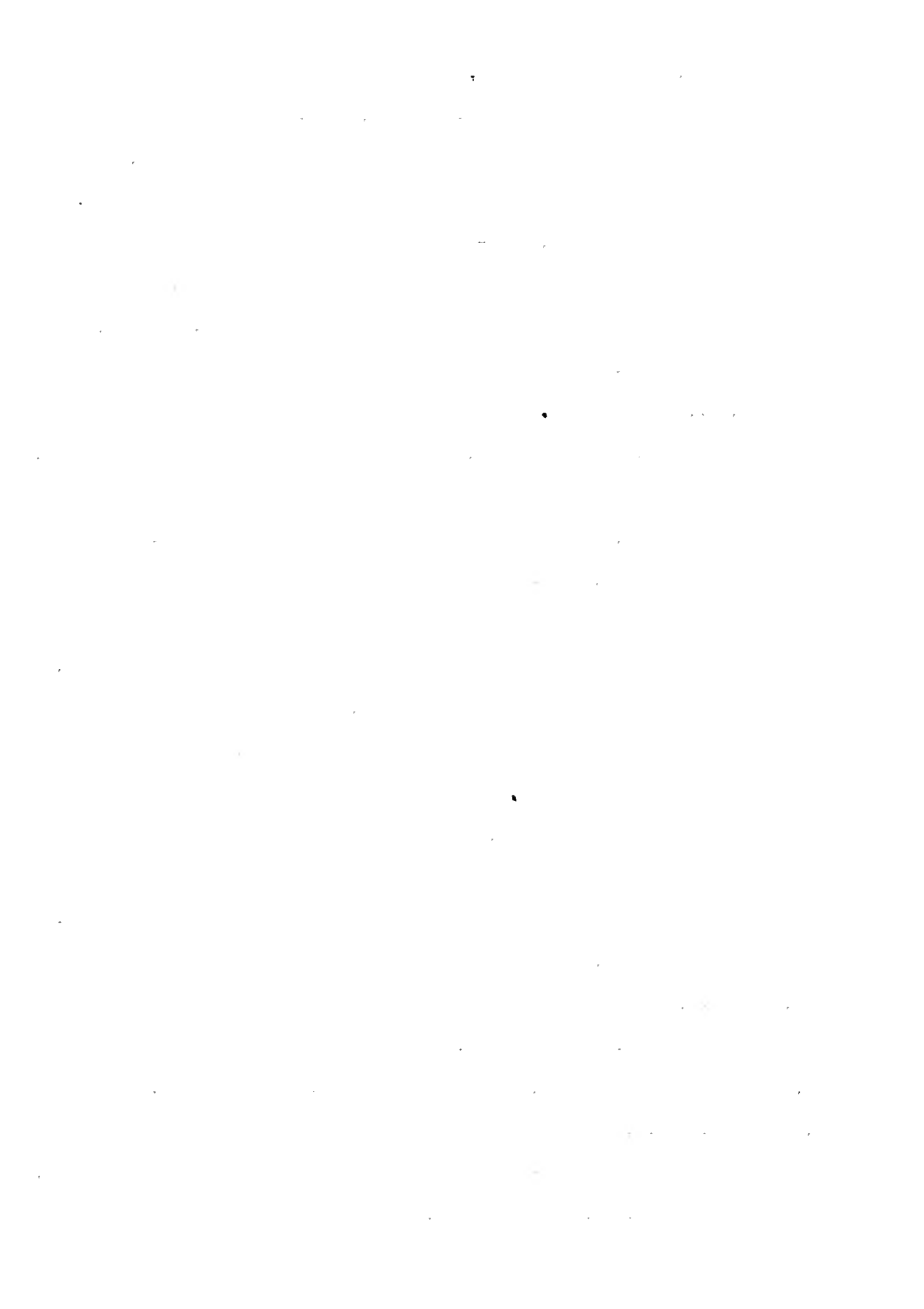
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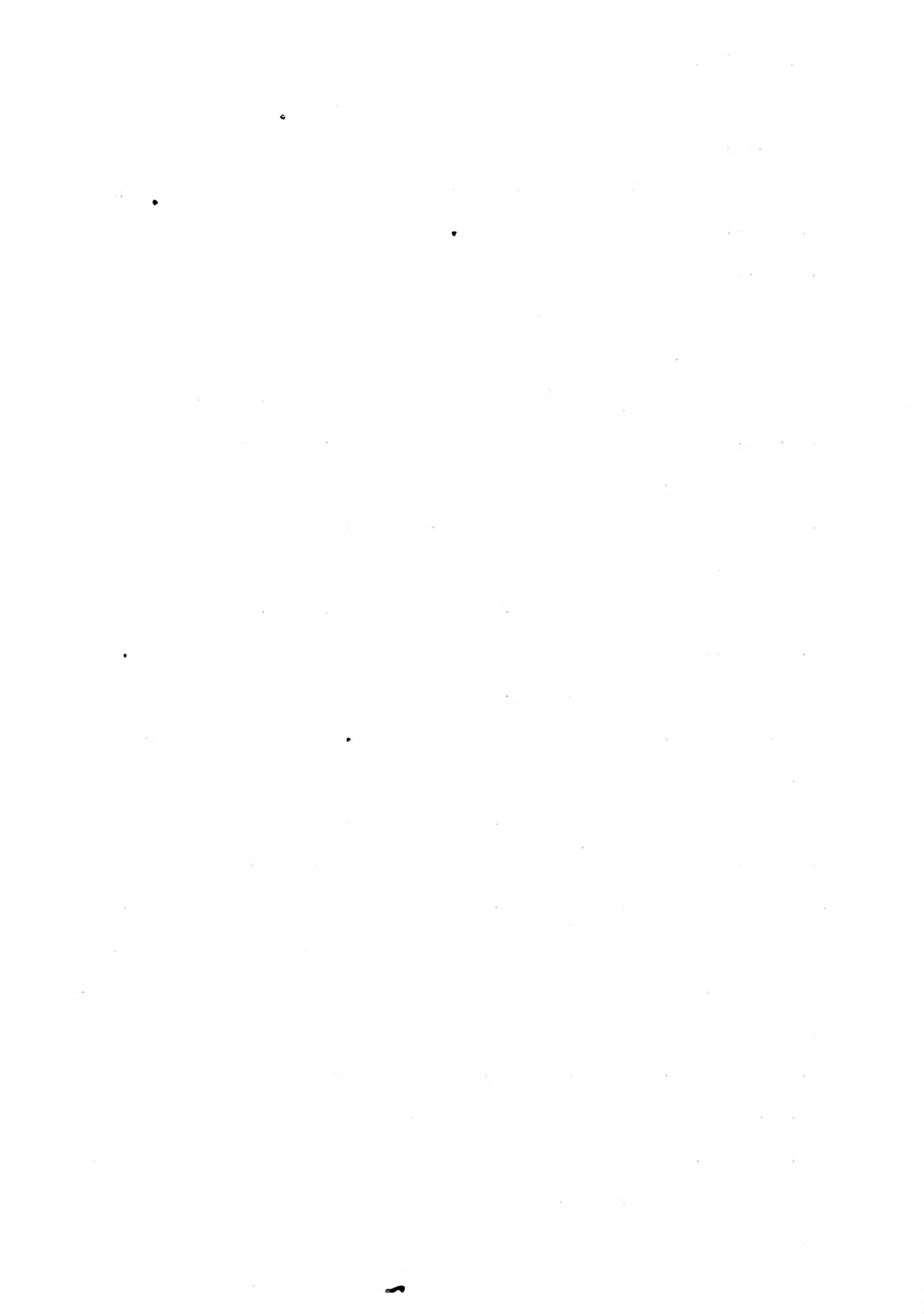
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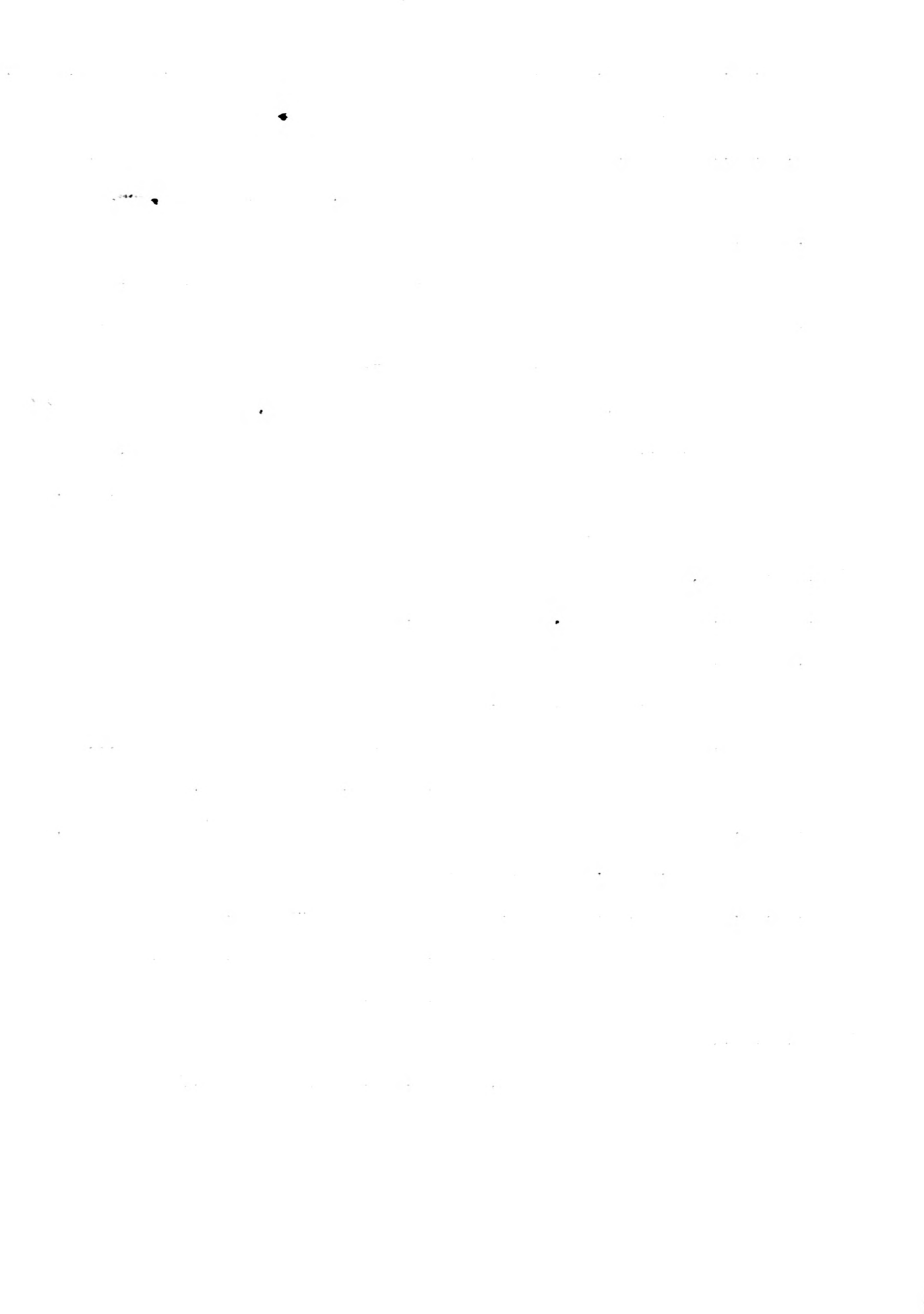
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